

Legal Provisions  
FOR THE  
P O O R: <sup>ct</sup>  
OR, A  
TREATISE  
OF THE

Common and Statute LAWS con-  
cerning the P O O R, either as to  
*Relief, Settlement, or Punishment.*

*Command* BEING A *Winmore*  
Methodical Guide for Justices of Peace,  
Church-wardens, and Overseers.

Wherein are explain'd,  
All the Statutes relating to that Subject;  
with the Ancient and Modern Law-Cases  
and Resolutions of the Judges: And also  
many Precedents proper for such a Treatise.

By S. C. <sup>Barrett</sup> of the Inner-Temple, Esq;

The Third Edition.

To which is added as an *Appendix*, the late Act con-  
cerning Vagrants, with large Notes and Observa-  
tions thereupon.

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# THE PREFACE.

**D**AILY and uninterrupted Experience, since the Times of our blessed Saviour, hath sufficiently confirm'd the Truth of his Prediction, *The Poor you will have with you always;* and from those Primitive Times in all Ages of Christianity, charitable Provisions and Supplies have been made for them. In the first Age voluntary Contributions were rais'd in an extraordinary Manner; the Poor were (as it were) Tenants in Common with the rich in their Possessions, and their *Agapæ*) Love-Fests were but the Results of this Divine Disposition. But these High Flights of Charity soon wagg'd, their Zeal languish'd and windled by Degrees, and that Brotherly-kindness, which then was the distinguishing Character of a Christian,

## The Preface.

(*Ecce quam se diligunt Christiani*) soon degenerated into Sourness and Self-interest, insomuch that the Christian Emperors, upon necessary Maxims of State, were forc'd to enact Laws, and establish Edicts, whereby the Rich, and Men of Ability, might be oblig'd to do that by Compulsion which they were not willing to do out of Choice: And such politick Constitutions were certainly founded upon good Consideration. Within the respective Precincts and Divisions, there were certain stated Allowances assign'd for them which avoided Confusion, and every Person being proportionably rated according to his Ability, render'd the Conduct of this important Affair more easie and impartial.

The Reason of the Numerosity of the Poor in our Age above what was formerly, has by many been differently assign'd. I have oft thought of the Opinion of *Wadham Windham*, by him deliver'd at the *King's-Bench*: 'We hear  
' (saith he) little of any settled Law for  
' Relief of the Poor before *Q. Elizabeth's*  
' Time,

## The Preface.

Time, for they encreas'd much upon  
the Dissolution of Abbies. It is not  
to be doubted but those Religious Hou-  
ses (which were many, and richly en-  
dow'd) might and did administer great  
Supplies to the poor Neighbourhood,  
and the Hospitalities of Lords and  
Country Gentlemen (being in those  
Times very fashionable) were con-  
siderable Assistancess to their Depen-  
dants. But in the Time of that wise  
Princess, when Trade flourish'd, Com-  
merce improv'd, and *England* became  
denizen'd with *Persia*, *China*, and *Peru*;  
then the foreign Commodities and  
Luxuries were imported together, and  
Plenty produc'd such an habitual Idle-  
ness, that the Statesmen of those Days  
saw it necessary to advance Ways and  
Methods to force the slothful Poor to  
work, and the Rich to contribute:  
And yet their Designs have not an-  
swer'd. We have Swarms of Poor  
still, and young lussy Beggars, (those  
*Specacula opprobrii* in a well-regulated  
State) make up a considerable Part of  
our People.

## *The Preface.*

I have been much delighted with a little Piece of Chief Justice *Hale's*, concerning setting the Poor to work. His Methods are naturally productive of the Design, and the Consequences are of great Importance. It's true, some softer Names than those of *Bridewel*, Houses of *Correction*, and *Work-houses*, and good Management, would invite the young Ones into a working Society with Credit and Delight, and their Continuance there for a stated Time should be equivalent to an Apprenticeship. And then Industry and Emulation in Trade would be fashionable, and the Criminals might receive Chastisement in separate Places. It must be confess'd we have now excellent Laws relating to the Poor, were they duly executed, and the Execution thereof well encourag'd and rewarded; and many have wrote upon them. I have perus'd *Lambert* (who is in many of these Points antiquated), *Dalton*, *Keble*, besides other little *Guides* and *Manuals*; but I find the Titles relating to the Poor confusedly handled, they are guided  
more

## *The Preface.*

more by an *Alphabet*, than the natural Method. The Cases and Resolutions upon the Laws are few, and those that are cited are not well stated and digested, and the Resolutions (for that Reason) seem to be sometimes different and contrary: Nay, many times the interlocutory Discourses of the Judges, upon a single Argument, they thrust in as an adjudg'd Case, as you may see in one Instance in this Treatise; I mean about the Clause in the Act of 43 *Eliz.* for compelling Parishioners to take poor Children Apprentices.

I have endeavour'd to cast the Resolutions and Judgments of Law under the proper Branches in every Act of Parliament, and each Branch under its proper Head; by which one may see (as it were) with one Glance how the Law is alter'd, explain'd, or supply'd.

I hope a portable Treatise of this Nature may be acceptable, and the Perusal hereof tend to the Information and Delight of many Gentlemen; who tho' they are not Lawyers by Profession.



## *The Preface.*

fection, yet are Persons of good Education, and great Sense and Usefulness in their Country. Those few Remarks of my own which I have made, are but Opinions, which I submit to their Judgments; and the Mistakes which I have committed, to their Candour and Ingenuity.

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THE

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L A W S

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# L A W S

Concerning the

# P O O R.

## C H A P. I.

*Of the Poor in general. Of the several Sorts of Poor, and how distinguished and ranked, in order to the clearer Methodizing of the ensuing Treatise.*

**B**Efore I come to treat of the Laws concerning the Poor, I conceive it will be needful to distinguish of the several Sorts of Poor, and shew how they are respectively to be either provided for, or punish'd, according as their Circumstances and Cases shall require. The Scheme then is in this manner.

There are Three Sorts or Degrees of Poor:

1. Poor by Impotency and Defect. Such as,  
The Aged and Decrepid.

B

The

The Infant Fatherless and Motherless, not able to work.

The Person naturally disabled in Mind or Body, as Ideot, Lunatick, Blind, Lame, &c.

The Person visited with grievous Sicknes and Diseases, and so for a Time becoming impotent.

2. Poor by Casualty. As, Soldiers, Labourers, &c. which are disabled in Body.

The decay'd Housholder, who has had the Misfortunes of Fire, Water, Robbery, Suretyship, &c.

The poor Man overcharged with Children.

3. Thriftless Poor. As, The Riotous and Prodigal.

The Dissolute, as Strumpet, Pilferer, &c.

The idle, slothful Person.

All such as wilfully spoil or imbezel their Work.

The Vagabond, and Vagrant, sturdy Beggar.

Thus I find them ranked by Mr. Dalton.

Now the only Statute that provides universally for the Poor, is the Statute of 43 Eliz. c. 2. Before this Statute, we hear little of any Law for the Relief of the Poor, for that they much increased upon the Dissolution of Abbeyes. To which, further Provision has been made by other Statutes, all which may be referred to these Heads :

I. For Relief of such as are not able to work and get their Livelihood.

By



By *Taxations*, towards Food, Raiment, Houses and Habitations. *Vide chap. 2 and 3.* And this is either,

1. By their own Parish.
2. By neighbouring Parishes or Hundreds, where the proper Parish is not able.
3. By Relations which are able.

By *Legal Settlements*, to make them capable of Relief proper for their Circumstances. *Vide chap. 7, 10, 11.*

## II. For such as are able.

1. Such as can work ; and this is provided for by erecting *Workhouses*, and by a *Stock* to be rais'd. *Vide chap. 6.*

2. Such as are able, but want Skill ; and this is provided for by setting out *Apprentices*. *Vide chap. 4.*

3. Such as are able, and have Skill, but want Liberty ; as *Prisoners*. *See chap. 3. pars posterior.*

III. The due Relief and Punishment of such as are disabled by their own Default, as *Lewd Persons* ; and under this Head the Cases of *Bastard Children* may be placed ; touching whom, *vide chap. 8 and 9.*

IV. The Punishment and Dealings about Vagabonds, Rogues, and sturdy Beggars. *Vide chap. 12, 13, 14.*

Of these I shall treat according to the Method propos'd : But it being necessary in the first Place to define certain Terms or Words mentioned in the several Statutes to which this Discourse re-



ates, I shall here give the Legal Sense and Explanation of them.

[*Apprentices.*] These are of two Kinds: 1. *Common Apprentices*, who are such Persons as are bound by themselves or Friends in Indentures of Covenant to serve some Tradesman or Artificer a certain Term, for the most part 7 Years, in order to learn some Art or Trade; the Master covenanting, that he will teach and instruct such Persons therein. *Vide Stat. 5 Eliz. c. 4. §. 31.* 2. *Parish Apprentices*, are such Children, whose Parents being unable to provide for them, are between the Ages of 7 and 15 put out at the Charge of the Parish; if Males, to serve till 24; if Females, till 21, or Marriage. *Vide Stat. 43 Eliz. c. 2. 1 Jac. I. c. 25. 3 Car. I. c. 4.* And this latter Kind of Apprentices is chiefly intended in this Discourse.

[*A Bastard.*] Is any Child born of a Woman never married, or whose Husband has been dead above 10 Months. *Vide Co. Litt. 123. Sed nota Cro. Jac. 541.* If a Child be begotten by one on the Body of a Woman, and he after marries her, though by the Law of the Church this is legitimate, yet by our Law it is a Bastard, *Statut. 20 H. 3. 9. and 1 H. 6. 3. Co. Litt. 244.* But if one marry a Woman, and die before Night, and never bed her, and she have afterwards a Child within 10 Months, it shall be accounted legitimate, and the Husband's Child. And note, He that marries a Woman having a Bastard Child, must (if able) provide for it. For the Punishment of the Mother and reputed Father of a Bastard, *vide 18 Eliz. c. 3.*

[*Children and Parents.*] As the Word *Children* comprehends Grandchildren, so the Word *Parents*

rents includes Grandfather and Grandmother. *Vide chap. 5.* Young Children, whose Parents are dead, are to be set at work, or relieved at the Charge of the Town where they were dwelling at the Time of the Death of their Parents, and are not to be sent to the Place of their Birth; for if the Parents were Rogues, we must not make the Children Rogues. *Per Fleming Ch. Justice, II Jac. 1. Weston and Cowlady.*

[*Overseers and Church-wardens.*] Note, If there be but one Church-warden in a Parish, he sufficeth, with the other Overseers, though the Statute 43 *Eliz. chap. 2.* says *Church-wardens.*

The Name and Office of *Overseer* is noted by Mr. *Dalton* to be of great Antiquity and Excellency; for though they are so denominated with respect to their Employment, yet that Employment or Office must needs be honourable, seeing God himself taketh Care for the Poor, and hath a special Respect to their Necessities; and consequently those who well officiate in this Office, do therein resemble God himself; and therefore the Justices of Peace, who, by the *Stat. 43 El.* have the appointing of these Overseers, ought therein to be very careful in chusing substantial and prudent Persons, having a Competency of Wealth and Wisdom, and above all Men of Integrity and a good Conscience.

The Office of these Overseers consists principally in two Things: 1. In taxing and raising Contributions of Money for Relief of the Poor: 2. In the legal and proper Distributions thereof.

I. In these *Taxations*, Consideration must be had, 1. To *Equality*; and, 2. To the *Estate*. *Equality*, for that Men ought to be equally

rated with their Neighbours, and by an equal and just Proportion. *Estates* fall under a double Respect; *viz.* 1. According to the known yearly Value of their Lands or Farms in the Parish: 2. According to the Value of their *Bona notabilia* or known Goods. And neither of these are to be charged by Supposition or Report. And Mr. *Dalton* thinks some Regard ought to be had to the Burthen or Charge of a Man's Family; for if one having 500 *l.* in Stock, &c. hath but himself to maintain, he ought to be rated as high as another who hath 1000 *l.* with a Wife and Family.

II. As to the Distribution of these Taxations, it is principally for three Purposes; *viz.*

1. For setting the Poor at work; in order to which the Overseers and Justices are enabled by the said Statute, 1. To raise a Stock; 2. To erect Workhouses; 3. To set up Trades; 4. To provide Materials; and, 5. To compel such Poor (as are able) to work, &c.

2. For relieving the impotent Poor; which is done by weekly, monthly, or other Distributions of Money or other Necessaries to them. And this ought to be done with such Discretion and Moderation, as, 1. Not superfluous, that thereby they may not be encouraged in Idleness, or to indulge their Impotency; and, 2. Not too small and scanty, that so they may not be induced to beg or steal, nor prove a lingering Death unto them.

3. For putting out Apprentices; and this has ever been esteem'd one of the best Expedients of providing for the Poor, being not only a Work of the highest Charity and Mercy towards such Children as are so put out, in fitting and enabling them

them for a comfortable Subsistence, but it would likewise prove (if duly regulated) of mighty Benefit and Advantage to the Kingdom.

[*Parish.*] The Court was moved to quash an Indictment of Assault and Battery of an Overseer *Ville de A.* in the Execution of his Office. 1. Exception was, It should have been Overseer *Parochie*; there is no such Officer as Overseer *Ville*. 2. There is no such Officer for Collector of the Poor appointed for any one Man by the Law; the Statute saith, There shall be Overseers of the Poor in every Parish, and so the Office is joint, and not several. But both Exceptions were over-ruled by the Court. *Stiles's Rep.* 148. *Anonym.*

Now because several Parishes, which are large, and had many Villages in the same, could not take the Benefit of this Act, it being inconvenient by reason of the Multitude and Distance of Hamlets and Townships; therefore a Clause was added by the Statute 14 *Car. 2. c. 12.* to comprehend them within the 43 *Eliz.* whereby it was enacted, That all poor, needy, impotent and lame Persons, within every Township or Village of *Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland,* and the Bishoprick of *Durham, Cumberland, and Westmorland,* and other Counties in *England and Wales,* where (by reason of the Largeness of the Parishes) they cannot reap the Benefit of the Statute of 43 *Eliz.* shall be maintain'd, kept, provided for, and set on work, in the respective Township and Village wherein they inhabit, or were last lawfully settled. And that according to the Rules and Directions of 43 *Eliz.* yearly shall be chosen in every Township and Village two or more Overseers, who

shall do, perform and execute, all such Acts, Powers and Authorities, for the necessary Relief of the Poor within their said Townships, and forfeit the like Penalties for Non-performance, as are limited and appointed by the said Statute 43 Eliz. *Vide* Explication of this Statute *infra*, where we shew what a Parish in Law is liable to be charged: And by the Statute 3 Car. 1. c. 4. in the Continuance of the Act Jac. 1. c. 25. it is enacted, *That the Church-wardens and Overseers of the Poor mentioned in the said Act of 43 Eliz. may, by and with the Consent of two or more Justices of the Peace, whercof one to be of the Quorum, within their respective Limits, wherein shall be more Justices than one, and where no more shall be than one, with the Consent of that one, set up, use and occupy, any Trade, Mystery or Occupation, only for the setting on work, and better Relief, of the Poor of the Parish, Town or Place, of or within which they shall be Church-wardens, or Overseers of the Poor, any former Statute to the contrary notwithstanding.*

[*Rogues, Vagabonds, and sturdy Beggars.*] A *Rogue* is so called by some, *quia ostiatim rogat*. A *Vagabond* is one who idly wanders about, having no certain House, Habitation, or Place of Residence, and is said to be *sine Re, sine Fide, sine Spe, sine Sede*. A *Beggar* is called *Mendicus, quasi Manu dicens*, or speaking with his Hand, it being the Custom of old for such a one to hold out his Hand in Silence.

And yet it seems by the several Statutes made for the Punishment of Rogues and Vagabonds, &c. as if these Words in their legal Sense imported one and the same Thing; for as a Vagabond in its proper Sense signifies one that loiters and wanders about, so a *Rogue* is thereby described after the

the same Manner, and the Words *Vagus* and *Vagabundus* signify the latter as well as the former; only as a Rogue or Vagabond is any Person who wanders about idly, though he does not beg, when he has this last Quality annex'd to the former, he becomes a sturdy Beggar. *Vide* *1st*, chap. 12 and 13. particular Descriptions of Rogues, &c. as they fall under the several Statutes therein recited.

I shall now proceed to the several Statutes relating to the Poor, and first to that of 43 *El. c. 2*. but herein I shall not take such Statutes *in toto*, as they lie in gross in the several Acts themselves; but I shall reduce the particular Branches and Sections of each Statute under such proper heads as I intend to treat of, and therein shew wherein such Branches and the Law thereupon explain'd, alter'd or supply'd, by any subsequent Statute. For this I take to be the best Method to avoid Confusion, and enable the Reader to apprehend every particular Subject.



## C H A P. II.

*Of setting the Poor at work. The Explication of the Statute 43 Eliz. c. 2. Of Children being set to work. Of Taxations. Who, and what, and in what Manner, to be Taxed to the Relief of the Poor, and to raise a Stock. Of setting up any Trade. Of the Overseers Account, and their being reimburs'd. Of Refusers to pay, and the Penalties. What shall be said to be a Parish liable to relieve their own Poor. And where Parishes are large, containing several Vilages, how to be Taxed.*

**A**T Common Law, there was no Provision by Rates for the Poor.

But by this Statute, the Church-wardens of every Parish, and four, three, or two substantial Housholders there (according to the Greatness of the Parish) are to be nominated yearly in *Easter Week*, or within one Month after, under the Hands and Seals of two Justices of the Peace, (*Quorum unus*, dwelling in or near the same Parish, or in the Division where the Parish lies) who shall be called *Overseers of the Poor* for the same Parish.

*Note*, If it happen Overseers be not appointed according to this Statute of 43 *Eliz. c. 2.* then



every Justice of Peace, or Head Officer of that Division or Corporation, shall forfeit 5 l. to be levied by a Sessions Warrant, and employ'd to the Use of the Parishes where such Default is made. By the first Branch of this Statute, *The Overseers, or the greatest Part of them, shall take Order from Time to Time, by and with the Consent of two or more Justices of the Peace in the same County, whereof one to be of the Quorum, for setting to work the Children of all such whose Parents shall not by the Church-wardens and Overseers, or the greatest Part of them, be thought able to keep and maintain their Children; and also for setting to work all such Persons, married or unmarried, having no Means to maintain them, and use no ordinary and daily Trade of Life to get their Living by; and also to raise weekly, or otherwise, (by Taxation of every Inhabitant, Parson, Vicar, and other, and of every Occupier of Lands, Houses, Tythes impropriate, Propriations of Tythes, Coal Mines, or saleable Underwoods, in the said Parish, in such competent Sum and Sums of Money as they shall think fit) a convenient Stock of Flax, Hemp, Wooll, Thread, Iron, and other Ware and Stuff, to set the Poor on work: And also, competent Sums of Money for and towards the necessary Relief of the Lane, Impotent, Old, Blind, and such other among them being Poor, and not able to work.*

*Observe, Any one Justice of the Peace may send to the House of Correction or Common Gaol such as shall not employ themselves to work, being appointed thereto by the Church-wardens and Overseers of the Poor of the Parish,* 43 Eliz. c. 2. Dalt. p. 148. Edit. 1690. But of this *plus infra.*

Now

Now for raising a Stock to set the Poor at work, it is by the said Statute, 43 Eliz. c. 2. §. 2. enacted, *That the Church-wardens and Overseers so to be nominated, or such of them as shall not be let by Sickness, or other just Excuse, to be allow'd by two such Justices of the Peace or more, as aforesaid, shall meet together at the least once every Month in the Church of the said Parish upon the Sunday in the Afternoon after Divine Service, there to consider of some good Course to be taken, and of some meet Order to be set down in the Premisses, and shall within four Days after the End of their Year, and after other Overseers are nominated, as aforesaid, make and yield up to two such Justices of Peace, as is aforesaid, a true and perfect Account of all Sums of Money by them received, or rated and sessed and not received; and also of such Stock as shall be in their Hands, or in the Hands of any of the Poor to work, and of all other Things concerning their Office; and such Sum or Sums of Money as shall be in their Hands, shall pay and deliver over to the said Church-wardens and Overseers newly nominated and appointed, upon Pain that every one of them absenting themselves without lawful Cause, as aforesaid, from such monthly Meeting for the Purpose aforesaid, or being negligent in their Office, or in the Execution of the Orders aforesaid, being made by and with the Assent of the said Justices of Peace, or any two of them before-mentioned, to forfeit for every such Default of Absence or Negligence*

20 s.

This Section consists of Three Parts.

1. The Church-wardens and Overseers are to meet Monthly, to consider of some good Course to be taken, and Order to be set down in the Premisses; that is, the raising a convenient Working-

Working-Stock, by a Taxation upon the Inhabitants of the Parish, and Occupiers of Lands, Houses, &c.

2. To render an Account to Two Justices of the Peace of such Sums of Money receiv'd, or pay'd and not receiv'd, and of the Stock, and what Sums are in their Hands to deliver over to the new Overseers.

3. The Forfeiture of their Absenting, or Negligence in the Premises, 20 s.

[*A true and perfect Account.*] It must be observ'd, that by the Statute, 18 Car. 2. c. 4. the Overseers are to give an Account of the Burials, according to the Woollen Act, upon Pain to forfeit 5 l. and their Accounts shall not be allow'd till they have accounted for the same.

Note, Two Justices (*Quorum unus*) shall take the Accounts of Overseers (and also of Churchwardens) in every of the following Particulars.

1. Of all Sums of Money by them received, or rated and not received.

2. Of all such Stock of Ware or Stuff as they, or any of the Poor, have in their Hands.

3. What Apprentices they have put Out, and Bound, according to the Statute.

4. What Poor they have set at Work, or Reliev'd.

5. Whether they have suffer'd any of their Poor to wander and beg out of the Town, or in the High-ways, or in their Town, without their Direction.

6. Whether they have Monthly met to consider of these Things.

7. Whether they have assess'd the Inhabitants and Occupiers of Lands, &c. in their Parish, *i. e.*

all

all such as are of Ability, and with Indifference and Equality.

8. Of all the Burials within their Precinct.

If any of the Church-wardens or Overseers shall refuse to yield a true Account to the Justices of all such Sums of Money, and of all such Stock, then any Two such Justices shall commit them to the Common Gaol, there to remain without Bail till they have made a New Account, and paid to the New Overseers so much of such Money or Stock as shall be remaining in their Hands; and if they make a false Account, they may be bound over to the Assizes or Sessions, and there an *Indictment* may be preferr'd against them. And if they shall refuse to pay and deliver such Arrears as shall be in their Hands due upon the Account, any Two such Justices of the Peace may make their Warrant to the present or subsequent Church-wardens and Overseers, or any of them, to levy the same by Distress or Sale of the Offenders Goods, rendring back the Overplus, and in Defect of such Distress, they may commit them to the Common Gaol without Bail till Payment or Delivery. *Dalton* 154.

And if any such Stock shall be in the Hands of any Poor to work, and such Poor shall refuse to deliver the same, it seems Two such Justices may make the like Warrant to levy, &c. and in Default thereof may commit *ut supra*. *Ibid*.

And the Refusers to pay their Rates or Money assess'd upon them, and Overseers having Money or Stock behind upon their Account, their Forfeitures shall be levy'd by the New Overseers and Church-wardens, or one of them, by Warrant from Two such Justices, &c. But for other Negligences or Forfeitures of the Overseers and Church-

Church-wardens, the Justices shall make their Warrant to the Constables to levy the same.

And if any Parish is not able to relieve their Poor, then any Two such Justices may tax and assess any other Persons within the same Hundred to pay the Overseers of the said poor Parish such Sums of Money as the said Justices shall think fit, for the Purposes aforesaid. *Ibid.*

Now as to Taxations, either for a Stock to set the Poor at work, or competent Sums of Money towards the necessary Relief of the Lame, Impotent, Old, Blind, &c. or for the putting forth of Children; let us consider,

I. What Things are taxable.

II. In what Manner, or how Mens Estates are to be taxed.

III. What shall be said to be a Parish chargeable to the Poor.

I. What Persons and Things are taxable.

1. *Every Inhabitant, Parson, Vicar, and other.*  
Now in the Judges Resolutions it was a *Quere*, what Proportion should Parsonages or Tythes bear to the Taxation of the Poor of the Parish: And it was Resolved, *Resol. 33.* The Parson or Vicar Presentative shall bear according the reasonable Value of his Parsonage, having Consideration to the just Deduction. And concerning Parsonages Improprate, the Tythes are to be consider'd in their several Kinds; for Tythe-Corn is usually paid to the Parson, and Small Tythes of all kind to the Vicar. By *Tenths of Parsonages, or Tythes improprate*, it is only meant that they should pay for the Tenths of the Profits they receive.

2. *Every*

2. Every Occupier of Lands, Houses, Mines, or saleable Underwood, (proportioning them to an Annual Benefit, &c.) shall be tax'd. It was a Question, 27 Car. 2. in the Town of Wickham's Case, Whether Tolls of Markets should be taxable? It is reported in 3 Keb. p. 540. the Case was this: The Town of Wickham in Bucks had much Poor, and therein was a considerable Market, the Toll whereof belonging to the Corporation there was worth 60*l.* per Annum; which the Overseers had tax'd, and the Mayor and Justices refus'd to sign and allow it; pretending it was not taxable; the Overseers and Justices attended the Lord Chief Justice *Hales* for his Opinion, who said, He conceiv'd it taxable within the 43 Eliz. yet the Justices would not allow the Tax, of which Complaint being made to the King's-Bench, a Rule was made for the Mayor, &c. to attend, and they did attend accordingly; and they observing the Court to be angry, allow'd the Tax; and, per *Hales*, for such a Refusal a *Quo Warranto* will lie, and the Court order'd the Mayor to pay the Charges of their Prosecution. This being, tho' not nam'd, yet conceiv'd, within the Equity of the said Statute, which shall be beneficially construed.

*Quest.* Whether Shops, Salt-pits, Sheds, Profits of a Market, &c. be taxable to the Poor, as well as Lands, Coal-mines?

*Resolv.* 19. All Things which are real, and a yearly Revenue, must be tax'd to the Poor.

Also in most Cases a Man may be rated for his Goods, as well as for Lands: But 'tis said,



for both Goods and Lands; and where it is  
Goods, they must be *Bona notabilia*. Also,  
he shall be charg'd for his Goods, only in that  
Town or Parish where the Goods be at the Time  
the Assesment. *Vide Dalt.* 140. and 5 *Rep.*  
and *Post*.

And *Note*, If Persons assess'd die before the  
Rate be collected, without Default of the Over-  
seers, (which sometimes happens) a New Rate  
and Assesment is to be made to supply the same.  
*Vide Dalt.* 154.

If a Parishioner bring into the Parish (without  
Consent of the Parish) one that becomes Bur-  
densome to the Parish, he may be tax'd, not on-  
ly having Respect to his Ability, or the Land he  
occupies, but according to the Damage and  
Danger he brings to the Parish. *Resol.* 35.

If an Overseer lays out Money, he may be re-  
imburs'd by general Order of Sessions, *Peckham's*  
Case at *Maidstone Assizes*; and, *per Hales*, it is  
good within the Statute. 1 *Keb.* 236.

If an Overseer be obstinate, and will not dis-  
burse any Thing, this is *Casus omissus*; yet the  
Justices may compel them, and make a Tax for  
the Poor of themselves, in the same or another  
Year. *Per Windham*.

An Order is made to the Overseers to reim-  
burse themselves; but because it was not di-  
rected to the Church-wardens and Overseers, it  
was quash'd.

If an Overseer disburse without the Consent of  
his Partners, and no Care is taken Monthly to  
take Account, an Order to reimburse him is null.  
*per Foster*.



The Church-wardens and Overseers ought to provide in present Exigency, and shall be reimburs'd by a Rate.

The Order to reimburse, was grounded only on Account stated by the Oath of the Party, and never allow'd by the Two next Justices; whereupon the Majority of the Justices in *Hicks's-Case* refus'd to grant any new Order, 1 *Keb.* 236, 240. *Clerke against the Church-wardens of Cripplegate*

It was agreed in *Taverner and Quaterman's Case*, that the Church-wardens ought in present Exigencies to provide for the Poor, and they shall be reimburs'd; and by some, it's better to provide for them in *Specie* than to give them Money Weekly; but that is Discretionary, 1 *Keb.* 440. *vide Stiles* 246. *Pl.* 562. Order was made to the Judges by the Inhabitants of *B.* to reimburse the Overseers of the Poor for Moneys expended in Suit against some that refus'd to pay their Rates, and the Court was mov'd to grant an Attachment against them, which at last they did, 2 *Keb.* 461. *The King against Ogden, Monck and Lucas*; and the Court conceiv'd that Costs may be allow'd upon the *Certiorari*, 2 *Keb.* 500.

II. In what Manner, or how Mens Estates are to be tax'd. Men must be equally rated with their Neighbours, and according to an equal Proportion.

The Inhabitants of *Limehouse* and Overseers, &c. were convicted for not making an equal Rate for the Poor, and their Fine was set, it was mov'd that they might be bail'd on Error, the Court would not supersede the Execution, 2 *Keb.* 173. *Siders.* 320.

Men must be rated according to their Estates  
Goods known, or according to the known  
Value of their Lands, Farms, and Occu-  
pations.

Lands are to be charged on the Tenant in re-  
spect of his Occupation thereof; therefore if a  
Man live in the Parish where his Lands lie, and  
he demise those Lands to others, the Poors  
Rate shall be charged on the Tenant, and not on  
the Landlord.

A Man having Lands in other Parishes than  
where he lives, the same being in Lease, or not  
in Lease, he is to be tax'd in the Parish where he  
lives, according to his visible Estate there, and  
not for his Lands or Rents in another Pa-  
rish. Both these last Points were resolv'd  
by *Hutton and Croke at Lent Assizes at Lin-*  
*coln, and so agreed by all the Judges of England,*  
*12th. p. 149.*

But *vide infra* the Case of the Parishioners of  
*St. Ellens in Worcester*, where the Inhabitants of  
the Parish may be charged for their Tenements  
(in which are poor Tenants) in the adjoining  
Parish.

The most reasonable rating of Land is by the  
Value and Quality thereof, and not by  
the Quantity or Content; and the natural Value  
not as it is improv'd or impair'd. He that occu-  
pieth (in his own Hands) Lands lying in seve-  
ral Parishes, shall be charg'd in every Parish pro-  
portionably for his Land there. *Co. 5. 67.*

The Landlord shall not be rated or tax'd for  
his Farm Rents, in as much as the Farmer or  
Occupier of the Land is chargeable for the same  
Land. So where my Farmer is assess'd by his  
Goods,

Goods, I ought not to be assess'd for my Rent of the same Farm.

It was resolv'd by the Judges of *Affize at Lincoln*, That the Lands in the Parish, and not the Rent, neither of that Land, nor of other Lands, could be tax'd. 1633, Sir *Anthony Ireby's Case*. The Lessor shall not be tax'd for the Rent he receiveth. 3 *Bulst.* 253.

One may be tax'd by his Goods as well as his Lands, but not by both. And where a Man is rated by his Goods, it seemeth reasonable that such Goods be rated after the Value of Lands to be purchas'd, (*viz.*) One Hundred Pounds in Stock or Goods to be rated after Five or Six Pounds *per Cent.* in Lands, and so proportionably. *Dalt.* 232.

*Note*, Parsons must contribute to the Poor. So it was agreed by all the Judges of *England* at *Serjeants-Inn* in the Parson of *Pancras's Case* (and so are the expresse Words of this Statute); and they are Contributory also to many other Charges, notwithstanding *Magna Charta, quod Ecclesia sit libera*. As for Highways, &c. *per Hales Ch. Justice*, 3 *Keb.* 255.

If the Mayor of a Corporation will not sign a Tax, made on the Palace of the Bishop, where the Prebends live, the Court will grant a *Mandate*. 3 *Keb.* 572 *Mayor of Chichester's Case*. And tho' the Justices may for reasonable Cause correct a Tax, yet they cannot refuse to sign it without reasonable Cause; tho' the Statute 43 *Eliz.* c. 2. saith, They shall tax, the Usage having been for Parishes to tax. *Ibid.* p. 594.

For Goods, a Man shall be charg'd only in that Town where the Goods be at the Time of the Assessment. *Dalt.* 232.

It was made a *Quere* in the Judges Resolutions, Whether the Tax for the Relief of the Poor on the Statute 43 Eliz. shall be made by Ability or Occupation of Lands, or both; and whether the visible Ability in the Parish where he lives, or general Ability wheresoever? *Resolv.* 18. The Land in each Parish is to be tax'd equally and differently; but there may be an Addition for the Personal visible Ability of the Parishioners within that Parish according to good Discretion; and yet if mistaken, may be rectify'd by the Courts; but in Sir *Anthony Ireby's Case*, 2 Bulst. 354. it is declar'd there for Law, That the Assessments for Relief of the Poor ought to be made according to the visible Estate, real and personal, of the Inhabitants, which they have and enjoy in the Town or Place where they inhabit, not having any Regard to any other Estate which they had in any other Town or Place.

*Mem.* There is a Statute, 1 Jac. I. c. 31. for provision made for those who are infected with the Plague by Rates and Taxations; *quod vide.*

§. 3. And be it also Enacted, That if the said Justices of Peace do perceive, that the Inhabitants of any Parish are not able to Levy amongst themselves sufficient Sums of Money for the Purposes aforesaid, that then Two Justices shall and may Tax, Rate and Assess as aforesaid any other of other Parishes, or out of any Parish within the Hundred where the said Parish is, to pay such Sum and Sums of Money to the Arch-wardens and Overseers of the said poor Parish, for the said Purposes, as the said Justices shall think according to the Intent of this Law. And if the said Hundred shall not be thought by the said Justices able and fit to relieve the said several Parishes

not able to provide for themselves as aforesaid, the Justices of Peace at their General Quarter Sessions, or the greater Number of them, shall Rate and Assess as aforesaid any other of other Parishes, or of any Parish within the said County for the Purpose aforesaid, as in their Discretions shall seem fit.

If the Parish be not able to provide for the Poor Children of the same Parish, the Justice may provide Masters for them in other Parishes within the same Hundred; and if the Hundred be not able, then in the rest of the County, and for other Provision for the Poor, which must be at a Quarter Sessions. *Resolv. 5.*

Where one Parish is not of Ability to relieve the Poor of their own Parish, then the next Parish being of Ability, are to be Contributory to aid them therein, by a Weekly Allowance made for their Relief; and where the first Cause doth cease of having such Relief, as if their Poor do decrease, and their Parish grown to be of Ability, the Contribution there shall cease, or the same shall be lessen'd accordingly, as the Cause shall require; as if their Poor decrease, or the Poor and Charge of the other Parish adjoining doth increase.

The Case was, the Poor of the Parish of St. Peter's in Worcester increas'd, by reason that divers Inhabitants of the Parish of St. Ellens had divers Tenements in St. Peter's, and they received great Rents, and the Tenants were very poor, and so became a Charge to the Parish; and St. Ellen's Parish raiseth their Rents out of the Relief the poor Tenants have out of St. Peter's; the Mayor makes an Order for St. Ellen's Parish to pay 2000 per Week to St. Peter's, and this to be rais'd by the Church-wardens of the Parish of St. Ellen's

then the same to be by them paid over to the Church-wardens of the Parish of St. Peter's, and Landlords of St. Ellen's, who had Tenements in St. Peter's principally to be tax'd. The next year, the Poor decreasing in St. Peter's, took 1 s. per Week from St. Ellen's: This last Order is confirm'd by the Judge of Assize. And per Order, The Inhabitants of St. Ellen's shall pay for their Tenements in St. Peter's; and if there be no Distress to be found because their Tenants are poor, upon their Refusal to pay their Rate, the Judges of Assize (upon Complaint) shall make a Special Order to the Mayor to levy the proportion. 2 Bulst. 353. The Parishioners of St. Peter's Plaintiffs, Parishioners of St. Ellen's Defendants, in Worcester.

§. 4. And that it shall be lawful, as well for the present as subsequent Church-wardens and Overseers of the Poor, or any of them, by Warrant from any Two such Justices of Peace as is aforesaid, to levy as well the said Sums of Money, and all Arrears of every one that shall refuse to contribute according as they shall be assess'd, by Distress and Sale of the Offenders's Goods, as the Sums of Money or Stock which shall be owing on any Account to be made as aforesaid, rendering to the Parties the Overplus: And in Default of such Distress, it shall be lawful for any Two such Justices of Peace to commit him or them to the Common Gaol of the County, there to remain without Bail or Mainprize, until Payment of the said Sum, Arrears and Stock. And the said Justices of Peace, or any of them, to send to the House of Correction or Common Gaol such as shall not employ themselves to work, being appointed thereunto as aforesaid. And also, any Two such Justices of Peace to commit to the said



said Prison every one of the said Church wardens and Overseers which shall refuse to Account, there to remain without Bail or Mainprize until he have made a true Account, and satisfy'd and paid so much upon the said Account shall be remaining in his Hands.

The Court refus'd to confirm an Order of Sessions, made to charge another Parish to contribute to the Poor of *Hinckly*, because the Two next Justices, who by the Statute are made Judges within the Hundred, (as in case of *Bastards*, by 18 *Eliz.*) did not certifie, and in their Default the Sessions cannot meddle originally, because the Appeal is taken away, and therefore the next Justices ought to certifie that there is no Parish sufficient in the Hundred. So where ever any Statute appoints the Two next Justices none can go to the Sessions originally; contrary where it appoints *any* Two Justices, there the Sessions may originally determine it, and *per Curiam* the Order was quash'd. 1 *Keb.* 685.

The Refusers to pay their Rates or Money assess'd upon them, and Overseers having Money or Stock behind upon their Account, their Forfeitures shall be levy'd by the New Overseers and Church-wardens, or one of them, by Warrant from Two Justices of the Peace, &c. But for other Negligences or Forfeitures of the Overseers and Church-wardens, the Justices shall make their Warrant to the Constable to levy the same. *Dalt.* 155.

If any Persons find themselves griev'd with any Tax, or other Act done by the Overseers, or by the said Justices of Peace, they are to be received at the Quarter-Sessions.

Over-

Overseers of the Poor were indicted before the Justices of the Borough of *Reading*, for not gathering several Sums of Money tax'd on several Inhabitants, and not ascertaining them: Counsel excepted to it; but the Court order'd the Parties to plead, having Notice of the Persons tax'd. 3 *Keb.* 49. The King against *Brown*.

III. *What shall be said to be a Parish chargeable to the Poor, and of every Occupier of Lands, Houses, &c. in the said Parish, &c.*

Now what shall be said to be a Parish chargeable to the Poor; and to illustrate this, I shall cite a Case adjudg'd in *Litt. Rep.* 73. *Hill.* 2 *Car.* 1. *Com. B. Hilton and Paul*. Which was upon special Verdict, and was thus: That the Parish of *Hinckly* was an Ancient Rectory and Parish-Church, Time out of Memory, &c. and that *Stoke-golding* (where the Saddle was taken, it being an Action of Trespas for taking a Saddle) is an Ancient Village, and Parcel of the Rectory of *Hinckly*; and that in the Time of *Hen.* 6. and all Times after, there was a Church in *Stoke-golding*; and that then, and at all Times after; it was and reported and taken for a Parish-Church; and that the Inhabitants have Parochial Rights there, and Church-wardens of their own; and that *Stoke-golding* is distant from *Hinckly* Two Miles; and if the Village of *Stoke-golding* be a Parish within the *Stat.* 43 *Eliz.* chargeable for their own Poor only? was the Question. This Case was spoke to by all the Judges, and it was resolv'd by them, That *Stoke-golding* was a Parish within the Intention of the Statute. For by *Richardson*, there are Two distinct Churches, and such which

C

have

have Church-wardens, and all Parochial Rights. And this is a Parish within this Law; for the Statute saith, the *Church-wardens of every Parish*. This is such a Parish as hath Church-wardens, who have Charge of the Poor. It's a Parish, tho' within the Rectory of *Hinckly*, and so to pay Tythes to it only. *Per Hutton*: It hath been objected, That there is a Provision for the Isle of *Fowlness*, being only a Chappel of Ease and no Parish, that the Inhabitants should act by Vertue of the Statute as if they were a Parish; and if it had been included in the Body of the Act, there had been no Necessity of Exception; but, *per Hutton*, this Provision in the End of the Statute, proves only that the Statute extends only to reputed Parishes, and not to Chappels of Ease. *Per Crooke*: If this should not be a Parish, there would be no Remedy for the Poor; and the Church-wardens of *Hinckly* were never Church-wardens of *Stoke-golding*, but of *Hinckly* only. A like Case was adjudg'd in the King's-Bench, *Hill 10 Car. 1.* between *Nichols* Plaintiff, and *Walker and Carter*, Defendants, *Jones Rep. 355*. *Hatfield* was a Parish, and *Totteridge* a Village within the Parish of *Hatfield*, and paid their Tythes to the Parson of *Hatfield*; but that *Totteridge* for the Space of Sixty Years and upwards, and at the Time of the making the Statute 43 *Eliz.* was a reputed Parish, and had a Constable and Overseers of the Poor, and that they provided for the Poor of *Totteridge*, and never contributed to the Poor of *Hatfield*. The Church-wardens and Overseers of the Poor of *Hatfield* make a Taxation for the Poor, and tax *Nichols* Plaintiff, who had Land, and was an Inhabitant in *Totteridge*, which was affirm'd by Two Justices

Justices according to the Statute. *Nichols* refused to pay it, whereupon they distrain him by Warrant of the Justices of Peace, upon which *Nichols* brought Action of Trespass against the Defendants, Church-warden and Overseer of *Hatfield*. Adjudg'd by the Court, that the Action lies, for a Precinct of a Parish is within the Statute 43 *Eliz.* and is to be assess'd by itself, and not with the Mother-Church; and if it should be otherwise, great Confusion should ensue.

Anno 1603. Two Hamlets were tax'd together with the Parish; but since 1652, they have and do tax themselves distinctly, and the Court order'd the Justices to sign the Tax as anciently; and, *per Windham*, albeit there were a Soke of particular Jurisdiction from the Town, yet the Justices of Assize may settle the Tax, which the Court agreed. 2 *Keb.* 421. *The King against the Inhabitants of Peterborough.*

Note, by *Keeling*, whereas the Statute 14 *Car.* 2. 12. is, That in great Parishes there should be distinct Overseers, this Clause was inserted at *Cumberland*, and others nam'd, he being in the House of Commons at the making the said Act, which the Court agreed; but upon Appeal for Inequality, the Hamlets are not exempted. *2 Keb.* 469. *The King against Quarles and Thursby.* and vide 2 *Levins* 142. viz. That this Statute extends not to other Counties not nam'd.

There was a Case, 18 *Car.* 2. *B. R.* between the Inhabitants of *Shadwell* against *Ratcliff* and *Lapping*. These are several Hamlets of one Parish; and in 1631, they were severed in their rates to the Poor, but were lately by Order of Sessions tax'd as one entire Parish of the *Tower*,

which was confirm'd by Ch. Justice *Hide* and *Windham*. But these Three Streets are but one Hamlet anciently, and the other Five are distinct Hamlets, and they appear not in this Return; the Court confirm'd the first Order, and quash'd the last.

*Killingworth* in *Com. Warr.* is a great Town of Two Villages, but only one Church, (and no Chappel of Ease,) and the Tenants of both paid distinctly and dividedly to the Poor; and on 14 *Car. 2. c. 12.* if the Plaintiff being Inhabitant in one End, should pay to the Poor of the other? was the Question on a special Verdict in Trespass. *Per Hales*, there can be no Prescription against 43 *Eliz. c. 2.* But if there hath been a Chappel of Ease and Church-wardens, and distinct Rates, this by Construction is a Parish within 43 *Eliz.* but if no Parish in Truth or Reputation (as appears in the Verdict) it's a void Prescription. The Statute 14 *Car. 2.* extends not to all great Parishes, for thereby Statute 43 *Eliz.* would be eluded, the Event of which would be to lay the Charge on the Boroughs where the Bulk of the Poor is, and the Out-villages where the Lands are would be discharg'd. Here is no Prescription to maintain the Poor distinctly, and Prescriptions are left as they were before 14 *Car. 2.* and 43 *Eliz.* and so the Case of *Wilson* and *Bonner*. Three Villages were found in *Cambden* Ancient, and relieving the Poor distinctly, and adjudg'd for the Defendant in that Case, because *Glocester* was not any of the Counties mention'd in the Statute 14 *Car. 2. 3 Keb. 539. Skellington* and *Worton*. *Vid.* this Branch of the Statute 14 *Car. 2. supra, p. 7.* concerning Townships in *Yorkshire, Cumberland, &c.*

Where

Where a Parish contain'd Two Members, *H.* and *B.* and *B.* had a Chapel of Ease, and a Burying-place, and was a long Time reputed a Parish, (tho' only a Member of *H.*) and had us'd to chuse Overseers. *Q.* If such Overseers are within the Parish, so as they may by 43 *Eliz.* restrain for an Assessment, *B.* being only a Parish by Reputation?

*R. per Cur.* Parishes only in Reputation are within the Statute, as other Parishes are, if the Usage of such Parish to chuse Overseers had been constant, and without Interruption; and if not, then the Overseers of the Mother-Church are within the Statute; 2 *Rolls Rep.* 160. *inter Weeden and Walker.* Making of Rates will not make a Parish, without all other Parochial Rights. *Mod.* 157.

By the said Statute 43 *Eliz.* §. 9. If it shall happen any Parish to extend itself into more Counties than one, or Part to lie within the Liberties of any City, Town, or Place Corporate, and Part without; then as well the Justices of Peace of every County, as also the Head Officers of such City, Town, or Place Corporate, shall deal and intermeddle only in so much of the said Parish as lieth within their Liberties, and not any further. And every of them respectively within their several Limits, Wards, and Jurisdictions, to execute the Ordinances before-mention'd concerning the Nomination of Overseers, the Consent to sending Apprentices, the giving Warrant to levy Taxations unpaid, the taking Account of Church-wardens and Overseers; and committing to Prison such as refuse to Account, or deny to pay the Arrears due upon their Accounts. And yet nevertheless the Church-wardens and Overseers, or the most part of them,



them, of the said Parishes that do extend into such several Limits and Jurisdictions, shall, without dividing themselves, duly execute their Office in all Places within the said Parish in all Things to them belonging. And shall duly exhibit and make one Account before the said Head Officer of the Town or Place Corporate, and one other before the said Justices of Peace, or any Two of them, as is aforesaid.

An Order was made by the Justices against the Parish of Stretton, who order'd them to keep K. a Widow, she being poor. Now it was in the King's-Bench excepted to, because, as to the Cottage wherein she liv'd, it was uncertain whether it was in that Village or another; but the Judges of the King's-Bench refus'd the Exception, because in these Cases the Courts use a Liberty and Discretion; as in Indictments for Highways, they never quash them without Certificate of Amendment. Also the Party hath Remedy by Replevin to try the Right, when a Distress shall be taken on any to contribute. 2 Keb. 37. Kilbeck's Case.

Note, That before the Court of B. R. will quash an Order of Sessions, there must be an Affidavit of Notice given to the Parties concern'd, or else they will only quash *Nisi* on Notice.

Where each Division of a Parish shall be look'd upon as a several Parish.

Where a Widow left several Children in the Parish of St. B. which lies in Two Counties, viz. London and Middlesex, and the Woman liv'd and dy'd in that Parish which lay in Middlesex, (the Children being at Nurce in Middle-

*Middlesex*,) who contested with the other Part of the Parish in *London*: Upon Application to the General Gaol-Delivery at the *Old-Bailey*, it was resolv'd, That without any particular Usage to the contrary, the Parish in both Counties ought to contribute their Shares towards their Relief; but in regard it was made appear, that each Part of that Parish had distinct Officers, and made distinct Rates, and had us'd Time out of Mind to make distinct Accounts to the Justices of each County, the Court did look upon each Division as a several Parish; and thereupon order'd, That Part of the said Parish that lies in *Middlesex* should pay the Nurse, and provide for the future for the Children. Also it was resolv'd, That no Notice can here be taken of the Place of the Birth of the Children, but of their last Settlements, by 43 *Eliz.* c. 2. because they are only Poor, and not Vagabonds; but that Vagabonds within the Statute 39 *Eliz.* c. 4. shall be provided for by the Place where they were born. *Fletcher's Case, Anno 1682. Vide Raym.* p. 476, 477.

## C H A P. III.

*Of such who over-burthen the Town or Parish with poor Persons, how they may be tax'd. Remedy for them that are griev'd with any Tax. Of other Provision for the Poor, by building Houses on the Waste, or providing them Houses. And of Relief of poor Prisoners in the County Gaol, &c.*

**H**AVING treated of the Rates and Taxations made and to be made in every Parish, towards the Relief of the Poor, and who are taxable, and what Estates, and in what Manner, and what is to be done, if the Parish be so poor as not to be able to relieve their own Poor, and the Remedy in levying the Money upon Refusers to pay their Rates; as also how Hamlets in large Parishes are to be rated; let us now consider what is to be done with such, who over-burthen the Town or Parish with poor Persons.

In the Resolutions, *Q. 35.* If a Parishioner, Landlord or Owner within a Parish, do bring into the Parish (without the Consent of the Parish) a Stranger of another Parish, which is, or apparently is like to be, burthensome unto the Parish, how may they ease themselves?

*Resolv. 35.* They may tax such an one to the Charge of the Rates of the Poor, not only having Respect to his Ability, or the Land he occupies, but

but according to the Dammage and Danger he bringeth to the Parish by his Folly. And such was Sir *Nicholas Hide's* Opinion, That he that without the Consent of the Parish shall bring any Poor to any Town, which are burthensome to the Town, may be rais'd in his Rates towards the Relief of the Poor, by Consent of the Parish, (viz.) of the Church-wardens and Overseers.

*Note,* That Orders of this Nature in the Sessions-Book of *Middlesex*, are very frequently made by the Justices of the Benches at *Westminster*, 23 *Mar.* 13 *Car.* A poor Person was sent back to the House of Mr. *Nichols*, to remain there without paying any Rent. *Dalt.* 155.

§. 6. Provided always, That if any Person or Persons shall find themselves griev'd with any Sess or Tax, or other Act done by the said Church-wardens and other Persons, or by the said Justices of Peace, that then it shall be lawful for the Justices of Peace, at their General Quarter-Sessions, or the greater Number of them, to take such Order therein as to them shall be thought convenient; and the same to conclude and bind all Parties.

This extends as well to binding Apprentices, and building Houses on the Waste for the Poor, to Rates and Sessments.

*Note,* Head-Officers of Cities and Corporate Towns (being Justices of Peace) have the same Authority within their Limits, as herein is limited to Justices of Peace of the same County &c. and no other Justices of Peace are to intermeddle there.

Other Provision for the Poor in Statute 43 El. c. 2. §. 5. is building them Houses on the Waste to inhabit.

Be it Enacted by the Authority aforesaid, That it shall and may be lawful for the said Church-wardens and Overseers, or the greater Part of them, by the Leave of the Lord or Lords of the Mannor, whereof any Waste or Common within their Parish is or shall be Parcel, and with Agreement before with him or them made in Writing under the Hands and Seals of the said Lord and Lords, or otherwise, according to any Order to be set down by the Justices of Peace of the said County at their General Quarter-Sessions, or the greater Part of them, by like Leave and Agreement of the said Lord or Lords in Writing under his or their Hands and Seals, to erect, build, and set up, in fit and convenient Places of Habitation, in such Waste and Common, at the general Charges of the Parish, or otherwise of the Hundred or County as aforesaid, to be tax'd, rated, and gather'd, in Manner before express'd, convenient Houses of Dwelling for the said impotent Poor, and also to place Inmates, or more Families than one, in one Cottage or House. One Act made in the Thirty First Year of Her Majesties Reign, entituled, [An Act against the erecting and maintaining of Cottages, or any Thing therein contain'd to the contrary in any wise notwithstanding.] Which Cottages and Places for Inmates shall not at any Time after be us'd or employ'd to or for any other Habitation, but only for Impotent or Poor of the same Parish, that shall be there plac'd from Time to Time by the Church-wardens and Overseers of the Poor of the same Parish, or the most Part of them, upon the Pains and Forfeitures contain'd in the said former Act made

made in the said Thirty First Year of Her Majesties  
Reign.

As to providing Houses for the Poor, it's made  
*Quere*, because the Overseers cannot do it by  
forcing any Parishioner's Habitation, nor by Per-  
sonal Charge by engaging for the Rent. *Moreson*  
Justice said, in Chief Baron *Dampier's* Time it  
was held they must provide; which *Keeling* and  
*Twisden* deny'd. 2 *Keb.* 744. *The King against*  
*May*.

Indictment was for erecting a Cottage and Ha-  
bitations *contra Statut.* quash'd, because it was  
not said that any inhabited it, for else it was no  
Offence. *Mod. Rep.* 295. *The King against Nevill*.

An Order was made for *Grant, &c.* to provide  
an House for the Poor, being Overseers in *War-*  
*wickshire*, and on *Habeas Corpus* they were  
brought in Custody for disobeying the Order;  
but they were discharg'd by the Court of *King's-*  
*bench*, in regard it's not shew'd that the Parties  
were Aged and Impotent, in which Cases only  
the Justices may provide an House. And per  
jur. the Justices ought not to commit for Diso-  
bedience of their Order, but cause the Party to  
be indicted for Negligence, and fin'd, and then  
committed. 2 *Keb.* 537, 538. *The King against*  
*Grant, &c.*

Order of Justices of Assize to annul an Order  
of Sessions to provide for a House for a Person  
not impotent, was confirm'd upon Motion, the  
first being a void Order; for if he be able, he  
must provide for himself, but the Justices can-  
not exclude him the Parish. 2 *Keb.* 643. *The*  
*King against Paine*.

Also



Also such Poor as are not to be remov'd out of the Parish, or are there lawfully settl'd, may by the Consent of the Parish, or by the Church-wardens and Overseers of the Poor, or the greater Part of them, be plac'd as Inmates, by the Statute 43 Eliz. c. 2. *Resolv.* 34.

*Note,* This House must not be afterwards converted into any other Use, for so it may become a Cottage afterwards.

*Note also,* That, 1. This extends to such as be poor and impotent. 2. It extendeth not to any common Herdman or Shepherd, as hath been mistaken. *Coke 2 Instit.* 737.

A Cottager was indicted: Council mov'd to quash it, because he had a Licence of the Lord, and a Continuance by the Sessions; but the Court refus'd, but order'd him to plead, and give this Matter in Evidence, and the Pleading stops all Proceedings till Trial. 2 *Keb.* 53. *The King against Hutchins.*

*Provision for Relief of the Prisoners in the Common Gaol.*

Per Statute 14 Eliz. c. 5. *Justices of Peace in Sessions, or the more Part of them, have Power to tax every Parish in the County (but not above 6 d. or 8 d. a Week out of every Parish) towards the Relief of Prisoners; which Tax the Church-wardens of every Parish shall levy every Sunday, and pay it in Quarterly to the High Constable, or in a Corporation to the Head Officer, and the High Constable or Head Officer shall pay the same at every Quarter-Sessions to such Person as shall by the Justices in open Quarter-Sessions be appointed to receive the same, who shall distribute it Weekly to the said Prisoners, upon Penalty*

Church-wardens, Constables, Head Officers, and Collectors, making Default respectively, to forfeit 5 l. the Moiety to the King's Use, the other to the Relief of the Prisoners; but the Justice of Peace shall not meddle in any City, Borough, &c. but the Mayors, Officers of the same.

Note, Performance or not Performance of so much of the Statute of 14 Eliz. c. 5. for the Poor, is not alter'd by 39 Eliz. c. 5. 43 Eliz. c. 2. Jac. c. 25. is to be yearly examin'd at Easter Sessions. Lamb. 620.

By Stat. 3 Jac. I. c. 10. An Offender, which is to be convey'd to the Gaol, if able, shall bear all Charges, both of himself and of those that guard him.

If he refuse so to do, upon a Warrant from a Justice of Peace, the Constable of the Township where he hath any Goods (being within the same County) may sell so much thereof, as in the Discretion of the said Justices shall be thought sufficient to satisfy the said Charges; the Appraisement thereof to be made by the Neighbours there, and the Overplus to be render'd to the said Offender.

If the Offender hath no Goods to satisfy the Charges, the Constables, Church-wardens, and Two or Three other honest Inhabitants, or (in case there be no such Officers there) Four of the principal Inhabitants of the Parish where he was taken, shall make a Tax, according to which (being allow'd under the Hand of a Justice of Peace) every Inhabitant shall pay the said Charges: And upon Refusal (by Warrant from a Justice of Peace) the Constable, Tything-man, or other Officer, hath Power to levy the same by Distress, and (after Appraisement by Four Inhabitants there)

to sell the same, rendering the Overplus to the Party so refusing.

Here, if the Officer that distrains be sued, he shall plead Justification; and upon Verdict for him, or Nonsuit of the Plaintiff, shall recover Treble Damages, besides Costs of Suit.

And by Stat. 19 Car. 2. c. 4. it is enacted, That the Justices of Peace of the respective Counties, at their General Sessions, may provide a Stock of such Materials as they think meet for the setting poor Prisoners on Work, as other County-Charges, may be levy'd by the Law of the Land, and to provide fit Persons to oversee the Work; provided no Parish be charg'd above Six-pence a Week.

The Sheriffs of the respective Counties having the Custody of the Gaol, with the Advice of Three Justices of the Peace, (one Quorum,) may provide other safe Places to remove sick Persons out of the ordinary Gaols, the same Places to be employ'd for the Custody of Prisoners there to be kept.

The Mayor, Bailiff, and other Head Officer, having Custody of the Common Gaol within any Corporation in this Kingdom, or Wales, by Advice of Three or more Justices of Peace of the Corporation, in Time of Infection have the like Power to remove the Prisoners, and also to raise a Stock.

A new Gaol erected in the City of Exeter, with divers Orders and Rules concerning the same: See the Clause in the Act about it. Salvo to the King, &c.

## C H A P. IV.

Of putting out Apprentices; who may be compell'd to take Apprentices or not; and how Money given for the putting them out shall be bestow'd.

**T**HE Children of such whose Parents shall not by the greater Part of the Overseers be thought able to keep and maintain their Children, the Overseers by Assent of Two Justices may put out to be Apprentices, (viz.) the Men Children till their Age of Twenty Four, and the Women Children till their Age of Twenty One Years or Marriage; the same to be as Effectual to all Purposes, as if such Child were of full Age, and by Indenture of Covenant bound him or herself, Stat. 43 Eliz. c. 2. §. 5. To which, this Addition is made in the Stat. 1 Jac. 25. (viz.) That all such Persons, to whom the Overseers of the Poor shall according to the said Act bind any Children Apprentices, may take, receive, and keep them as Apprentices, by former Statute to the contrary notwithstanding; and there is an Addition in Statute 3 Car. 1. c. 4. by which the same are made further to continue.

All such Children of the Age of Seven Years or above, so bound Apprentices, shall be taken and kept as Apprentices by their Masters, but such Binding must be by Indenture. The Form of such Indentures vide.

The

The putting of poor Children out Apprentices, is holden to be one of the best Ways for providing for the Poor. *Resol. 1.*

One Justice of the Peace may compel any Person meet, to be bound as an Apprentice.

As the Statute enableth the Church-wardens and Overseers (with the Consent of Two Justices of the Peace) to put out Apprentices, so it doth enable them to place those Apprentices with their Masters. And the said Justices may compel all such as be of Ability to take such Apprentices (according to their Discretion); and if any such Master shall refuse to take such Apprentice so to him appointed, the said Justices may bind such Masters over to the next General Gaol-Delivery, there to answer such Default. And this was the Direction of Sir Hen. Mountague Knight, Chief Justice of the *King's-Bench*, at *Cambridge Assizes*, Anno Dom. 1618. wherewith agreed Sir *Nicholas Hide* and *Francis Haroy*. And if he refuse to take such Apprentices, or to give Bail to appear at the next General Gaol-Delivery or Quarter-Sessions, he may be sent to Gaol, there to remain till he shall give such Bond. *Resol. 3, 6.*

Every Man who by his Calling and Profession, or Manner of Living, entertaineth, and must have use of other Servants of like Quality, must entertain such an Apprentice; yet Discretion must guide according to Circumstances, *Resol. 3.* As Knights, Gentlemen, Yeomen, &c. and Clergy-men; so was the Opinion of all the Judges, as the Publisher of *Dalton* was inform'd, *Dalt. p. 151.* or at least they are chargeable to the putting them out. Q. A Sojourner. Every wealthy Person, tho' he live privately, and tho' he

have no Use for a Servant, may be tax'd towards the putting forth Apprentices, or other Relief for the Poor. *Resol.* 3, 4.

They may be put out to other Parishes; but in *Marling's Case*, 1 *Keb.* 474. a *Certiorari* was granted, to try whether by an Order of Justices and Overseers, an Apprentice might be plac'd with a *Draper* in another Corporation: And *17.* they may do it, but not unless he be a Farmer, and he did farm Lands in the same Parish.

The Church-wardens and Overseers (with the Consent of the said Justices as it seems) may impose upon such Master refusing to take such Apprentice, a competent Sum of Money for the putting out such Apprentice elsewhere; and upon the Master's Refusal to pay such Money, two such Justices may make their Warrant, to levy the same by Distress and Sale of the Offender's Goods, &c. *vid. Poulton* 2, 4. But it is not necessary that any Money should be given with Apprentices, for that must be left to the Discretion of the Church-wardens and Overseers, all Circumstances of Age and Ability being consider'd; and if they cannot agree with the Party, in the Justices of the Peace adjoining, or in their Default the Sessions of Peace, are to determine this. *Resol.* 2.

Or the Refusers to take such Apprentices, may be presented and indicted for the same, upon the Statute 43 *Eliz.* at the Assizes or Sessions of the Peace, and upon such Indictment, they may be fined and imprison'd. *Resol.* 7.

If one refuseth to take such Apprentice, he shall be bound over to the Sessions, and when he appeareth there shall likewise refuse, what shall



shall be done to him? And what shall be done to the Parents who refuse to suffer their Children to be put out Apprentices, themselves not being able to maintain them? *Resol. 7.* If at Sessions or Assizes he refuseth, and his Excuse is not allow'd, it's fit he be bound to the good Behaviour, and he may be indicted for a Contempt, and thereupon he may be fin'd and imprison'd; if he refuse to be bound to the good Behaviour, let him be imprison'd till he will: And the King's Book of Orders directs, that such be bound with good Sureties, to appear at the Council-board: If the Parents refuse, let them be committed to the House of Correction.

And *Note*, in *Easter Term*, 3 *Anna*, B. R. one *Gould* was indicted on the Stat. 5 *Eliz.* c. 4. For that a poor Boy being put to him as an Apprentice, he *Vi & armis* refus'd to provide for him, &c. and on Motion to quash it, these Exceptions were taken, *viz.* 1. That this was not a Matter indictable on the said Statute. 2. In case it were indictable, there ought to have been Application first made to a Justice of Peace, and after that an Appeal to the Sessions, and then perhaps for disobeying their Orders an Indictment might lie. 3. It is laid *Vi & armis*, which being for a *Non-satisfaction*, is absurd and inconsistent. But it was answer'd and resolv'd *per Cur'*, 1. That tho' in the Case of a common Apprentice an Indictment will not lie, yet it will lie in this Case. 2. That tho' formerly in *Pyne's Case*, (*vide Post.*) it was held, That the Justices could not compel one to take an Apprentice upon this Statute, yet the contrary Opinion has since prevail'd; and when we allow them such a Power, we must of necessary Consequence allow an Indictment for dis-

obeying their Orders, either for not receiving, receiving and afterwards turning off, or not providing for, such an Apprentice; and tho' an Act prescribes an easier Way of Proceeding by Complaint, yet that does not hinder the Way of Indictment. 3. That tho' the *Vi & Armis* in this case be absurd, yet it is only Surplusage, and shall not vitiate the Indictment. *Vide Stat. 8 & 9 W. 3. cap. 30.*

It is made a *Quere* in the Resolution. Q. 25. Whether an Apprentice put out by the Church-wards, &c. according to the Statute, to a Master in another Parish; if his Master die, and leave no Executor or Administrator fit to keep an Apprentice, or able to place him, whether he shall be provided for in the Parish where he was Apprentice, or shall be sent back to the Parish from whence he was put out? *Resol.* Servants and Apprentices are by Law settled in that Parish; and if they become impotent there, the Parish must abide the Adventure, after the Term or time of Service be lawfully ended. [But if the Executor hath Assets left him, the Judge of Assize hath order'd him to keep him, or place him out.]

It's said, an Apprentice put to a Man in regard of his Farm, when his Lease expireth, the Apprentice must still go with the Farm, if the Master will. Otherwile, when an Apprentice is put to a Man in regard of his Ability, or for other Respect. *Dalt. ult. Edit. p. 152.*

The Publisher of the last *Dalton* seems to oppose this so long received Opinion (That Persons may be compelled to take poor Children Apprentices) of the Judges of Assize, and according to the Resolutions of the ancient Judges in 1633.

And

And these Resolutions appear to him of little Weight, and this chiefly upon the Authority of Judge *Twissden*, p. 152, 161. I agree, the Reasons he gives against that Opinion are fit for Consideration, and the most equal Way seems to be by Stock raised. But as to the general Authority of the Resolutions, I shall cite my Lord *Coke's* great Opinion deliver'd in his *Second Institutes*, p. 738 in his Explication of the Statute 7 *Jac. cap. 4* concerning Houses of Correction. His Words are these: We have not gone about to speak of the Statute of 39 *Eliz.* or other Statutes concerning Rogues, &c. or the Poor, &c. which all the Judges of *England* have upon due Consideration explained, and which are truly rehearsed and imprinted, and ought to be observed, &c. His Words are of Weight, and he was Contemporary with them. In the Margent, he cites *Lambert's Justice of the Peace*, lib. 2. p. 207. wherein the said Resolutions are set down, and as many as concern this Subject are here faithfully transcribed (though the Law in some Points is since alter'd by Acts of Parliament, as may be observed in this Treatise). Now I shall cite some Cases that have been adjudged concerning this Point, wherein we may see the Variety of Opinions of the Judges, though in the main they all agreed of the Sense of the Act *preter Twissden*, and at last how it was resolv'd by all the Judges in the 28th of *Charles the Second*, for the Question was of great Consequence.

In the Case between the King and *Newton*, an Order of Sessions was made for taking a Bastard Child Apprentice, not shewing that the Child was a poor Child, or charged on the Parish, nor in what Trade he was to be bound to, and pray'd

be quash'd; especially for that the Child was  
and but to a Tenant at Will in the Parish.  
*Curiam*, The Order shall be confirmed; and  
declare, That one may be compelled to take  
apprentice.

About the 14 *Car.* 2. and in the Time of  
*Charles I. Hutton* and *Croke* were of the same Opini-  
on, to whom the Justices referred such a Case.  
and an Order was made at the Council-Board,  
quicken the Justices in all the Counties to the  
Rule: And by *Foster* Chief Justice, The Sta-  
te would be useleſs, should not there be a  
compulsion to take as well as to set out. And  
his Part of the Resolution of the Judges, that  
consideration should be had of the Age of such  
Children. *Windham* conceived, the Meaning of  
the Law was to advance Husbandry, and not to  
and to other Trades; and it is intended the Ses-  
sions (being a Court) will do justly, and yet he  
thought they may place such Children where  
they please. *Twisden* stickled against this Opini-  
on, on *Tarley's Case* in Kent; but yet notwith-  
standing the Court confirmed the Order, and  
held the Exception insufficient. Another Case  
there was about the same Time between the  
Justices of Peace of *Darby* and one *Gillibert*; in  
which Case *Windham* was of Opinion, That they  
that are grieved have no Remedy but before the  
Justices, who in this Case are Judges of the Fit-  
ness of the Parties with whom they place them;  
which *Foster* Chief Justice agreed: And that  
if the Party have Wrong, upon his Indictment,  
Information preferred on Contempt, or Re-  
fusal to obey the Order, he may plead it.

The Justices of *Spalding* in *Somersetshire* put one  
*Mannah* Apprentice on the Defendant, who was  
Pa-

Parishioner (as a Farmer) but no Inhabitant on which the Defendant appealed to the next Sessions at T. who confirmed their Order by the Defendant's Consent; for Contempt of which he was after indicted at Sessions, and he removed the Order and Indictment into the King's Bench. The Council pray'd a *Procedendo*, for that the Child was well placed by 43 Eliz. in that the Defendant hath agreed to it. But *per Curiam*, The Defendant is a Draper in another Parish, and may have 100 l. with an Apprentice. It was referred to the Judge of Assize, 1 Keb. 634. *Sperling's Case*. And then by After-Opinions, it was thought sufficient, if such Person to whom the Apprentice is put doth provide for him by raising Money for his Maintenance, as was done by Sir John Ferris in *Hartfordshire*, tho' he was not any Tradesman. And Keeling Ch. Justice said, he had had many Apprentices put upon him, and that he had done the like. Twisden at length agreed it to be the settled Course, and in the principal Case, the Council pray'd a *Certiorari* to remove an Order of the Justices in Confirmation of an Order made by the Overseers of the Poor to place an Apprentice with the Defendant, but the Court refused to grant it. This was the Case of the King against Sherwin, P. 21 Car. 2. B. R.

Note, But now this *Vexata Questio* is settl'd by all the Judges of England, in the Case between the King and Pine, Hill. 29 & 30 Car. 2. B. R. Pine who had Land in the same Parish had an Apprentice put on him; he was in Contempt for not obeying the Order, and was indicted: It was their Opinion, That the Overseers of the Poor could not force an Apprentice on any Man that

not personally occupy Husbandry, and the  
 iement was quash'd. 3 Keb. 854.

Note, A Master cloaths his Apprentice in new  
 parel, he cannot take it away if he parts with  
 Apprentice. Dalt. 96.

19. It is Enacted, That if any Action of Tres-  
 or other Suits, shall be brought against any  
 son or Persons for taking any Distress, making of  
 Sale, or any other Thing doing by Authority of  
 Act, the Defendant may plead Not guilty, and  
 the special Matter in Evidence, or else make  
 vry, Cognisance or Justification, for the taking  
 said Distress, making Sale, or any other Thing  
 g, alledging, That the said Trespas, Distress,  
 or other Thing, was done by Authority of this  
 ; to which the Plaintiff shall reply, De Injuria  
 propria absque tali Causa, and if the Verdict  
 for the Defendant, or the Plaintiff be Nonsuit af-  
 Appearance, the Defendant shall recover treble  
 mages with Cost, or Writ to enquire of the Dam-  
 ges.

[Sale and Distress of Goods.] Yet if the Plaintiff  
 untarily deliver any Money which he is  
 s'd to the Poor, and after brings Trespas for  
 against the Overseers; this is within the  
 ute, for these Words, Sale and Distress, are  
 y put in the Act for Examples, for the Sta-  
 shall be largely construed, because it tends  
 pus Charitatis, and Trespas brought after such  
 untary Delivery is a Vexation, and ought to  
 suppress'd; and per Cur', Damages in this  
 ion shall be assess'd by the Jury, but shall be  
 oled by the Court, and the Court may give  
 ts de incremento. Yelv. p. 176. Okely against

Salter;



*Salter*; and 44 *Eliz. Rol.* 516. *B. R. Meniall* and *Bell's Case* cited there.

If the Parents of poor Children shall refuse to suffer their Children to be put forth (without good Cause shew'd), such Parents also may be bound over by the Justices to answer their said Default; and if the Apprentices refuse, the Justices shall send them to the House of Correction, *Quousque, &c.*

And if their Parents shall entice their Children away (themselves not being able to maintain them), such Parents may be committed to the House of Correction.

*Resolv. 7.* If the Child refuse to be bound, send him to the House of Correction, *quousque.*

By Statute 7 *Jac.* 1. c. 3. Children which be above the Age of Fifteen Years, are not thought fit or allow'd to be first bound out as Apprentices, but must be forc'd to work, or to go to Service; and if they refuse, to be sent to the House of Correction, or bound over to their good Behaviour to the Assizes or Sessions of the Peace.

*Note,* In *Hillary Term*, 2 *Anna*, the Queen *vers. Daniel*, an Indictment was for procuring and seducing an Apprentice to leave his Master, and perswading him to embezel his Goods; and as to the seducing him from his Master, which was the only Point in Judgment, it was held *per tot. Cur.* no Indictment would lie. And *per Holt Ch. Justice*, a Conspiracy to charge one with a Bastard Child, is indictable; but if one should advise another to do it *without more*, it is not.

And in the Case of one *Collingwood*, *Mic. 3 Anna* it was held *per tot. Cur.* That an Indictment for enticing an Apprentice to take away his Master's Goods

Goods, was not maintainable; for the Charge ought to be direct and positive, That the Apprentice did take away the Goods; tho' in that indictment it was averr'd, That *Collingwood* receiv'd the Goods from him.

*How Money given for the binding of poor Children to Occupations shall be bestow'd, by Stat. 7 Jac. c. 3. at large.*

FORasmuch as the true Labour and Exercise of Husbandry, and the bringing up of Apprentices of both Sexes in Trades and Manual Occupations, are Things very profitable in the Commonwealth, and acceptable and pleasing unto Almighty God, there being already Sums of Money freely given, and more in Time to come like to be given, by divers well-disposed Persons, unto the Corporations of divers Cities, Boroughs, Towns Corporate, and unto divers Persons in sundry Towns not Corporate, and Parishes within this Realm of *England*, to be continually employ'd in the binding out as Apprentices of a great Number of the poorest Sort of Children unto needful Trades and Occupations, the Experience whereof hath brought forth very great Profit and Commodity unto those Cities, Towns, and Parishes, where any Parts of the said Moneys have been so given and employ'd, and so no Doubt there will consequently ensue thereof the exceeding Good of the Commonwealth in general. And for that the most part of the poorer Sorts of Children would (as heretofore) without such Care and Assistance be brought up in Idleness, and disorder'd kinds of Life, to their utter Over-

D

' throw,

‘ throw, and to the great Prejudice of the whole  
‘ Commonwealth: And for that it is very like-  
‘ ly that many other well-dispos’d People will be  
‘ the better encourag’d willingly to follow the  
‘ like good Example, in bestowing all good Sums  
‘ of Money to the same good and godly Purpo-  
‘ ses, if it might be so provided, if such Moneys  
‘ as have been already so freely given, or as here-  
‘ after shall be given, for the binding out of such  
‘ poor Children Apprentices, may hereafter con-  
‘ tinually remain and be wholly employ’d ac-  
‘ cordingly.

‘ Be it Enacted therefore, That all Sums of  
‘ Money so freely given at any Time within  
‘ Three Years last past, or hereafter to be given  
‘ by any Person or Persons, to be continually  
‘ employ’d for the binding out of Apprentices as  
‘ aforesaid, shall for ever henceforth continue,  
‘ and be from Time to Time us’d and employ’d  
‘ to such Uses, Intents and Purposes only, and  
‘ by such Persons, and in such Manner and Form,  
‘ as shall be hereafter by this present Act specify’d  
‘ and declar’d; (except the same have been or  
‘ shall be otherwise order’d or dispos’d by the  
‘ Givers thereof) that is to say, That all Corpo-  
‘ rations of all Cities, Boroughs and Towns Cor-  
‘ rate, by what Name or Names soever they shall  
‘ be known or incorporated, and in Towns and  
‘ Parishes not incorporate; the Parson or Vicar  
‘ of every such Town or Parish, together with  
‘ the Constables, Church-wardens, Collectors  
‘ and the Overseers for the Poor for the Time be-  
‘ ing, or the most Part of them, where any such  
‘ Sum or Sums of Money are already given, or  
‘ shall be hereafter given to be so employ’d, shall  
‘ from Time to Time within the said several C

‘ ties

Cities, Boroughs, Towns and Parishes respectively, have the Nomination and placing of such Apprentices, and the Guiding and Employment of all such Moneys as have been heretofore so given, or which hereafter shall be given, to and for the continual binding forth of such and so many Apprentices, and in such Sort as is already, or hereafter shall be so given and appointed, either by the last Will and Testament, or by any Writing or Writings under the Hands and Seals of any Person or Persons which hath already, or hereafter shall so give any Sum or Sums of Money unto the good and godly Purposes and Intents aforesaid. And if the Corporation of any such Cities, Boroughs or Towns Corporate, by what Name or Names soever they shall be call'd or incorporated, or any the Person or Persons in the other Towns and Parishes above-mention'd, appointed by this Act to have the continual Guiding and Employment of such Sums of Money so already given, or hereafter to be given, to the Intents and Purposes aforesaid, shall at any Time hereafter wilfully forbear or refuse, according to their Duties in this Behalf, to employ such Sums of Money so given, or to be given as aforesaid, for the binding out of such Apprentices, by Means of which wilful Forbearance or Refusing, the said Money shall not be employ'd accordingly, that they and every of them so offending contrary to this Act, shall forfeit for every such Offence the Sum of Three Pounds Six Shillings and Eight Pence lawful *English* Money, the one Half thereof to be given to the Poor of the Town or Parish where such Fault or Offence shall be done or committed, the

‘ other Moiety to the Party that shall sue for the  
‘ same. And that every Man that will, may and  
‘ shall be admitted to sue for the same Moiety to  
‘ the Use and Benefit of the said Poor, and shall  
‘ be also admitted to sue for the Forfeiture of the  
‘ other Moiety in any of the King’s Majesty’s  
‘ Courts of Record, to his own Benefit and Be-  
‘ hoof, by Action of Debt, Bill, Plaint, or In-  
‘ formation, wherein no Protection, Wager of  
‘ Law or Essoign, shall be admitted or allow’d.  
‘ And for that all Moneys so given may the  
‘ better continue to and for the Purposes afore-  
‘ said, be it Enacted, That the Master, Mistress,  
‘ or Dame of every such Apprentice or Apprenti-  
‘ ces, that shall receive any such Sum or Sums  
‘ of Money as aforesaid, shall become bound  
‘ with One or Two sufficient Sureties, by Bond  
‘ or Obligation, in double the Sum which they  
‘ and every of them shall so receive with every  
‘ such Apprentice or Apprentices as aforesaid  
‘ unto the Corporation of any such City, or  
‘ Town Corporate, by what Name or Names so-  
‘ ever they shall be call’d or incorporated, or to  
‘ such Person or Persons in the other Towns and  
‘ Parishes not incorporated, appointed by this  
‘ Act to have continually the Guidance and Em-  
‘ ployment of all such Sums of Money so already  
‘ given, or hereafter to be given, to the Intent  
‘ and Purposes aforesaid respectively; upon Con-  
‘ dition to pay such Sum or Sums of Money, as  
‘ he or she shall receive with such Apprentice or  
‘ Apprentices, at the End of Seven Years next en-  
‘ suing the Date of the said Obligation, or  
‘ within Three Months next after the End of the  
‘ said Seven Years. And if such Apprentice  
‘ happen to die within the Space of Seven Years  
‘ that

then within one Year after his or her said Death. And if the Master, Mistress, or Dame, to whom any such Apprentice or Apprentices shall be bound, shall happen to die within the said Space of Seven Years, then within One Year next after his or her Death, so as the said Moneys may be again employ'd, for placing such Apprentice with some other Person of the same Trade, to serve out the Residue of the Years of his or her former Apprenticeship by the Discretion of the said Persons Trustees as aforesaid.

And be it further Enacted, That every such Sum or Sums of Money so given, or to be given in Manner and Form, and to and for the good Uses and Intents aforesaid, shall always be put forth and employ'd by the Parties aforesaid, that by this Act shall have the Employment and Disposal thereof, within Three Months at the furthest after such Moneys shall come to the Hands of the said Parties, that by the true Intent and Meaning of this Act ought to dispose and employ the same. And if at such Times there shall not be found fit and apt Persons to be bound out Apprentices as aforesaid within the said Cities, Towns and Parishes, where such Sums of Money are or hereafter shall be given to be employ'd as before is declar'd; then such of the poorest Children of any of the Parishes next adjoining, shall be bound Apprentices in Manner as aforesaid, as by the Care and good Discretion of the Parties, which by this Act have the Disposing and Employment of the said Sums of Moneys in the Cities, Towns and Parishes, where it was first given to be employ'd, shall be thought fit and convenient, taking such Bonds and Obligations



‘ tions of the Persons that shall receive the same  
‘ Sums of Money so put forth, and with such  
‘ Sureties, and upon such Conditions, as is  
‘ above-mention’d and declar’d.

‘ Provided always, that Choice from Time to  
‘ Time be made of the poorest Sorts of Children of  
‘ every such City, Town and Parish where such  
‘ Moneys shall be so given, and whose Parents are  
‘ least able to relieve them. And that no such  
‘ Apprentice shall be above the Age of Fifteen  
‘ Years, when he or she shall be so first bound  
‘ out an Apprentice.

‘ And for the better Execution of this Act, be  
‘ it further Enacted, That all and every Person  
‘ and Persons appointed by this Act, to have the  
‘ disposing and employing of any Sum or Sums  
‘ of Money so given or to be given as aforesaid,  
‘ within any Town or Parish not Corporate,  
‘ shall once every Year in the *Easter Week*, or  
‘ within one Month next after *Easter-day*, make a  
‘ true and perfect Account before Four, Three or  
‘ Two Justices of the Peace, dwelling in or next  
‘ to every the said Towns and Parishes, of all  
‘ such Sum and Sums of Money, as they or any  
‘ of them have employ’d in binding of Apprenti-  
‘ ces, by Vertue of this Act, and of all Bonds  
‘ and Obligations taken for the Payment thereof:  
‘ And also of all such Sums of Money as then shall  
‘ happen to be remaining in their Hands not em-  
‘ ploy’d: And also shall at the making and yield-  
‘ ing up of the said Account, or within Ten  
‘ Days then next following, yield and deliver up  
‘ unto such as shall happen next to succeed them,  
‘ or then to be in the said Rooms and Places, all  
‘ such Obligations and Bonds, as by them or any  
‘ of them have been before that Time taken to  
‘ the

the Uses aforesaid. As also all Sums of Money remaining in their or any of their Hands to be employ'd as aforesaid, and not employ'd at the Time of the yielding up the said Accounts.

‘ And further, be it Enacted by the Authority aforesaid, That if any of the Parties appointed and trusted by this Act to have the Disposing and Employment of any of the said Sums of Money so given or to be given as aforesaid, shall in any Point or Degree break the Trust or Confidence in them in this Behalf repos'd, or shall commit any other Misdemeanour or Offence in misemploying of the said Sums of Money, or any Part thereof, or in doing any other Act or Acts contrary to their Duties, and the true Intent and Meaning of this Act, for which there is not by this Act any Penalty given or appointed: Then it shall and may be lawful for any Person or Persons whatsoever in Behalf of the Poor of such City, Borough or Parish, to exhibit his Petition to the Lord Chancellor, or Lord Keeper of the Great Seal of *England* for the Time being, touching the same, which Lord Chancellor or Lord Keeper of the Great Seal of *England* for the Time being, shall thereupon have full Power and Authority to award a Commission out of the High Court of *Chancery* under the Great Seal of *England*, unto such Person and Persons as his Lordship shall think meet, to enquire, hear and determine the said Offences, and every of them. And if the said Commissioners, or the most Part of them, shall find, that any Sum or Sums of Money so given or to be given are lost, wasted, impair'd or diminish'd, then they or the most Part of them shall likewise have Power by Vertue of this

' Act, and of their said Commission, to rate,  
 ' raise, and collect the said Sum of Money so lost,  
 ' impair'd, wasted, or diminish'd, upon such  
 ' Person or Persons in Places not incorporate, as  
 ' by this Act are appointed to have the guiding  
 ' and ordering of the said Moneys, if they or  
 ' any of them have fail'd in their said Duties in  
 ' that Behalf, or otherwise, upon the able Inha-  
 ' bitants of the said City, Town or Parish where  
 ' the same shall so happen, as in the Discretion  
 ' of the said Commissioners, or the greatest Part  
 ' of them, shall be thought fittest, and to return  
 ' the said Commission, and the Manner of the  
 ' Execution thereof, into the said High Court of  
 ' Chancery within Three Months next after the  
 ' Execution thereof. And if any Person shall  
 ' find himself aggriev'd by any thing done by the  
 ' said Commissioners, then upon Complaint  
 ' made in the High Court of Chancery, the said  
 ' Lord Chancellor or Lord Keeper for the Time  
 ' being, shall have full Power and Authority to  
 ' order and decree the same, as to his Lordship  
 ' shall be thought most fit to stand with Equity  
 ' and good Conscience.

Mr. Dalton makes a Quære, what Authority  
 the Justices of Peace have by this Statute, if the  
 Persons entrusted refuse to give Account; for  
 they are only impower'd to take them, p. 154.  
 I conceive this comes within the Words, *or shall*  
*commit any other Misdemeanour or Offence.* And so  
 it may be remedied in Chancery.

By the Chief Justice: If the Justices of Peace  
 discharge the Apprentice of his Covenant to his  
 Master, it is a good Order, tho' they do not ex-  
 pressly discharge the Master of him, because it is dis-

discharg'd in Law of Course, by discharging of the Apprentice; for then the Master has no longer Power over him. 'Tis said, this must be in open Sessions, and by Four Justices at the least.

*Q.* If they can discharge a Surgeon's Apprentice, not being a Trade within the Statute, and if he were not bound by Compulsion of the Justices, whether the Justices have Power to discharge him? For a like Construction hath been made on other Parts of the Statute; as, if a Servant in Husbandry is not paid his Wages, the Justices may order it, because they might have compell'd him to serve: But you never allow an Order for Coachmen and Footmens Wages, because the Justices cannot compel them to serve. *Keb. 822. 1 Sand. 313, 314. Watkins and Edwards.*

*Resp.* It hath been so practis'd, and Orders have been allow'd here for Payment of more than Statute Wages; and tho' an Order for Payment of Coachmens Wages have been disputed, yet an Order for an Household Servant never was.

*Chief Justice:* The Court has indulg'd Orders for Servants Wages; but as to the Imposition of Apprentices, they are not to go to a Justice of Peace, if the Servant is willing to serve; for he cannot to compel, unless the Party refuseth. If the Statute should be taken, as it has been generally, then a rich Merchant in *London* may be compell'd to take an Apprentice with nothing. In the Case in *Saunders*, there was a Merchant, and Money given, which was allow'd; but a Surgeon is not a Trade within the Statute mentioned; tho' it is a Trade as to serving of Seven Years within that Statute, that none can otherwise exercise it, but it is not a Trade mention'd before in the Statute, and the Statute cannot be

extended to any other: Therefore *per Cur.* let the Order be quash'd.

It is noted, That every one that is bound an Apprentice according to 5 *Eliz.* c. 4. is compellable to serve his Time out as if he was of Age when he was bound; but his Covenant is not good, so as to enable the Master to bring an Action upon it. *Cro. Car.* 129.

The Certificate which is to be made by 5 *Eliz.* c. 4. to the Head-Officer of any City or Town Corporate, where it requires the Father of the Apprentice to have Inheritance of Freehold of 40 s. *per Annum*, must be under the Hands and Seals of Three Justices of the Peace of the County where such Land lies. See the Statute.

See 5 *Eliz.* cap. 4. who may be compell'd to serve by the Day in Hay and Corn Harvest-time.

So who shall be compell'd to serve in Husbandry.

Also of Servants being put away before the End of the Term.

Of a *Capias* against an Apprentice that departeth and flieth into another County, to take and detain him, till he give Security to serve as he ought.

And of the Penalty for a Servant's departing without a Testimonial.

## C H A P. V.

*Of poor Persons being reliev'd by their Relations, as Father, Grand-father, Mother, Grand-mother, Children, &c. Who are Mothers and Fathers, or Grand-fathers and Grand-mothers, within this Act; and how chargeable.*

**Y**OU have been acquainted with the several Ways of relieving the Poor, as by Tax, or Assessment; *vid. supra.*

By raising a Stock, *vid. supra.*

By binding forth Apprentices, *vid. supra.*

By building of Houses on the Waste for the Poor, *vid. supra.*

And now I come to another Way or Means very necessary and Christian-like; and that is, by being reliev'd by their Relations: As to that, the Fourth Branch in the Statute of 43 Eliz. c. 2. §. 7. *And be it further Enacted, That the Father and Grand-father, and the Mother and Grand-mother, and the Children of every poor, old, blind, lame and impotent Person, or other poor Person not able to work, being of a sufficient Ability, shall at their own Charges relieve and maintain every such poor Person in that Manner, and according to that Rate, as by the said Justices of Peace of that County where such sufficient Persons dwell, or the greater Number of them, at their General Quarter-Sessions shall be assess'd, upon Pain that every one of them shall*



shall forfeit 20 s. for every Month which they shall fail therein.

§. 11. The said Forfeiture is to be levy'd by the Church-wardens and Overseers of the Poor, or one of them, by Vertue of a Warrant from any such Two Justices, (whereof one being of the *Quorum*,) Mayor, Alderman, or Head-Officer of City, Town, or Place Corporate respectively within their several Limits, by Distress and Sale as aforesaid; or in Defect of Distress, any Two such Justices may commit the Offender to Prison, there to remain without Bail, till the said Forfeiture shall be paid. And such Forfeiture shall be employ'd to the Use of the Poor of the said Parish.

*The Father and Grand-father, Mother and Grand-mother.*

The reputed Grand-father and Grand-mother seem not to be within this Statute, for a Bastard is *Filius Populi*. *Reeve's Case*, 7 Car. 1. *vid. infra*, The Father may be compell'd to allow Maintenance to his Son's Wife; (the Husband being absented) as was done in the Case of one *John Bale*, by Order, 2 Sept. 15 Jac. Lib. Sess. Pa. Midd.

If the Grand-mother be a Person of Ability, and then marries, the Person with whom she marry'd is a Grand-father within this Stat. for by the Marriage all her Goods are given to the Husband; & *qui sentit commodum sentire debet & onus*: But with this Difference, If the Grand-mother at the Time of the Marriage were of Ability, otherwise not. *Draper's Ca. Mich. 7 Car. Gerrad's Ca.* Suppose the Wife have nothing to bring her Husband in Marriage, but after by her In-

Industry he becomes rich; *Q.* If he shall be charg'd? *Whitlock*, He shall: And *Croke*, to the contrary. But they both agreed, That if an Estate descend to the Wife after Marriage, the Husband shall be charg'd: If the Grand-mother have no Means, and she afterwards marry with one that hath, he shall not be charg'd with keeping this Child; but if the Husband have sufficient Means with the Grand-mother in Marriage, there he shall be charg'd during the Life of the Grand-mother, and no longer.

An Order of Sessions was made against a *Feme-Covert*, to keep a Grand-child of hers, and it was mov'd to discharge the Order, because a *Feme-Covert* was not bound by such an Order: *Per Rolls*; her Husband is bound to keep his Wife's Grand-child by the Statute: But in regard the Husband is not charg'd by the Order, but the Wife who is *Covert* is only charg'd, the Order was quash'd. *Stille's Rep.* 283. *Finck's Case*.

If the Child live in the County of *Midd.* and be maintain'd by the Parish there, and the Grand-father or Grand-mother, &c. live in the County of *Suff.* the Justices of *Midd.* can make no Order therein, but the Justices of the County of *Suff.* must make an Order to charge, &c. *Dalt.* p. 156. and this was one *Reeve's Case*.

*Reeve* was brought to the Bar by *Hab. Corpus*, being committed upon this *Stat.* 43 *Eliz.* c. 2. for that he being the reputed Father of *B. G.* who was maintain'd by the Parish of *St. Giles* in the Fields, and he being a Man of Ability, refus'd to maintain the Child, or to find Sureties for his Appearance at the next Sessions. *Reeve* mov'd, that the Commitment was illegal, being ground-  
ed

ed upon the said Statute, wherein is this Clause; *That the Father and Grand-father, Mother and Grand-mother, the Children and Grand-children of every poor Person not able to work, (they being of Ability,) shall pay such Rates, and in such wise, as the Justices in that County where such Person dwells, at their next Quarter-Sessions shall assess, upon Pain to forfeit 20 s. per Month.* Whereas there is no such Person taken Notice of, as the reputed Father of a Bastard, which is *Filius Populi*: It also appear'd, that *Reeve* dwelt in *Suffolk*, and coming to *London* about Law-suits, was taken by a Warrant of a Justice of Peace of *Midd. Per Curiam*, the granting that Warrant was illegal, and all the Proceedings in *Midd. coram non Judice*. The Justices at their Sessions in *Midd.* have not Power to make any Order, the Party living in another County; and he is not to be committed till an Order made, and a Refusal to pay the 20 s. per Month; and if he refuse this, then (for want of Distress) to be committed, and not before: And *per Jones and Croke*, it is reasonable that he should contribute to the Maintenance of the Child, he being of Ability; but this is not the Way to compel him. Note, The Justices in *Suff.* may make an Order in it, and so cause the Money to be sent up, 2 *Bulst. p. 34. Mich. 7 Car. 1. B. R.* The Rule of Court was, to bind *Reeve* to appear at next Quarter-Sessions for *Midd.*

[*The said Justices.*] The Court of *King's-Bench* was mov'd to quash an Order of Sessions made at *Derby*, for Parents to relieve their poor Children: Exception was, The Statute appoints, that the Justices at the Sessions shall assess the Rate that is to be paid for their Maintenance; and that the Justices here have not done it, but have

have transferr'd their Authority over to other Justices to do it; which they cannot do, and so the Order made by the other Justices is not good; and of that Opinion was the Court. *Stiles's Rep. p. 154. The King against Humfryes.*

## C H A P. VI.

*Of Work-houses, and the Method and Benefits of them.*

BESIDES what shall be said in the Chapter concerning Houses of Correction, I think it convenient to add something of Work-houses; and what Statutes concern the same.

I shall first abridge the *Stat. 14 Car. 2. c. 12.* concerning the Work-houses in *London, Middlesex, and Surrey*, it being an excellent Precedent for other Corporations.

There shall be one or more Corporation or Corporations, Work-house or Work-houses, in *London and Westminster*, the Counties of *Middlesex* and *Surrey*, lying within the Parishes in the Weekly Bills of Mortality, consisting of a President, Deputy-President, and Treasurer, the Lord Mayor for the Time being to be President, and the Aldermen to be the Assistants, in *London*, with Fifty-two Citizens to be chosen by the Common-Council; and the President and Assistants to chuse a Deputy, and a Treasurer, and other necessary Officers; and upon a Vacancy of any Assistant, the Power to be in the Common-Council.

That the Lord Chancellor, or Lord Keeper, to chuse the President and Deputy, the Treasurer and Assistants, in *Westminster*, out of the most fitting Persons for the Corporation there; and the Vacancies to be supply'd by Justices of the Peace in the Sessions.

That

That in *Middlesex* and *Surrey*, the President, Treasurer, and Assistants, shall respectively be nominated by the Justices of Peace in their Sessions, and the Vacancy supply'd by them: Which President, Deputy-President, Treasurer, and Assistants, shall be a Body Corporate, and shall have a perpetual Succession, and may sue, or be sued, by the Name of the President and Governours for the Poor of the respective Places aforementioned in all Courts in this Kingdom and *Wales*, and may purchase Lands not exceeding 3000 *l. per Annum*, and any Goods, Chattels, or Sums of Money, whatsoever; and each respective Corporation, or Seven of them, may keep Courts at the Request of any Four of the Corporation, and may have a Common Seal.

The President and Governours, or any appointed by them, or any Two of them, may apprehend Rogues, Vagrants, sturdy Beggars, or idle and disorderly Persons, within their Precincts, and set them to work.

The next Branch is, for the raising of a Stock for the Foundation and future Supply: And the Common-Council for *London*, Burgesses and Justices in Sessions for *Westminster*, and the Justices of Peace at their Sessions for *Surrey* and *Middlesex*, are to ascertain such Sums of Money, not exceeding One Year's Rate, from Time to Time usually set upon Persons for the Relief of the Poor, and the same to proportion upon the several Wards, Precincts and Parishes; and thereupon the Aldermen, Deputies, and Common-Council-men in *London*, the Burgesses and Justices in *Westminster*, and the Justices in *Middlesex* and *Surrey*, to rate the Inhabitants; and if any be griev'd, he may appeal to the next Sessions.

The

The Aldermen and Deputies in *London*, the Burgeſſes and Juſtices in *Westmiſter*, and Juſtices in *Middleſex* and *Surrey*, or any Two of them reſpectively, may, by Warrant under their Hands and Seals, authorize the Church-wardens and Overſeers, to demand and receive the Money due; and upon Notice in Writing left at the Houſe or Lodging, and Non-payment within Ten Days, to levy by Diſtreſs and Sale, rendring the Overplus.

All Stocks in *London*, in the Hands of any Perſon, with the Arrears of Money, and Legacies for the Poor, to be paid to the Treasurers there.

The Preſident and Governours, or any Seven of them, may make Orders and By-laws for regulating the Work, apprehending Rogues, and other Purpoſes.

All Sheriffs, Conſtables, and other Officers and Miniſters of Juſtice, ſhall be aiding to the ſaid Corporation, and to all Officers to be employ'd by them.

By Vertue of an Act made 22 & 23. Car. 2. their Power as to laying of Rates expir'd in 1675, by which laſt Act, the Officers of the ſaid Corporations are to give a Quarterly Account to the Juſtices of Peace, who are to call for it of them.

An Indictment was on this Statute, for reſuſing to collect according to the Order of the Juſtices, which mention'd the Act, only without any Time or Place. Exception to the Indictment, becauſe it was a private Act, and ſo not indictable. *Per Windham*, and *Twifden*; It's a publick Act, otherwiſe it would be fruitleſs, for a Church-warden is a publick Officer; and here the King



is in a sort concern'd, to whom Information is to be made by the Justices. 1 *Keb.* 732, 749. The King against *Paulet*, Church-warden of St. Clements; 749. the Court agreed it a general Law and Judgment for the King.

Certainly the raising of Stocks, and providing Work-houses to set able Poor at Work, and to train up Children in the same, is the most effectual Remedy to prevent the Swarms of idle and vagrant Persons in every County: This would be the Way to pluck up the idle Weeds by the Roots, and to accustom People to Laboriousness, Industry and Frugality; then we should seldom be at the Cost to relieve any but the old and impotent. We have in the Statute of 43 *Eliz.* c. 2. Power given to the Overseers to raise Stocks, by rating the Parishioners, and setting the Poor at Work, *quod vid. p. 1, 2.* but that Law is deficient, and doth not answer the Ends and Purposes design'd. I distinguish Work-houses from Houses of Correction, for Persons will not willingly apply themselves thither; whereas if a good Course were taken, and good Usage in Stocks and Provision, with orderly Management, it would be rather a Society or College of Artificers, than a *Bridewell*, and the Work would be cheerfully carry'd on. 1. There is no Power in the Justices of Peace, or some superintending Power, to compel the raising of a Stock, where the Church-wardens and Overseers neglect it. 2. The Act chargeth every Parish apart, and it may be they can do little towards it; neither would it be so effectual, as if Three or Four adjoining Parishes did contribute to the raising of a Stock, proportionable to their Poor respectively. 3. There is no Power for hiring or erecting a

Common House, or Place for a common Work-house, and yet this is the least of the Defects.

Mr Matthew Hale, in his little Book of the Poor, hath given a Form of Remedies for these Defects, which I shall set down briefly; the Book being scarce, and not easy to be had.

1. That the Justices of the Peace at the Quarter-Sessions do set out and distribute the Parishes, in their several Counties, into several Divisions; in each of which there may be a Work-house for the common Use of the respective Divisions, wherein they are respectively plac'd; that is to say, Two, Three, Four or Five Parishes to a Work-house, according to the Greatness or Smallness, and Accommodation of the several Parishes.

2. That at that Sessions, the Church-wardens and Overseers of the Poor, of the respective Parishes, bring in their several Rates for the Relief of their respective Poor upon Oath. And that the said Justices do assess Three, Four or Five, Yearly Pays beforehand for raising the Stock, and buying Materials, and for instructing Children in Trade.

3. That the Justices chuse a Master Yearly for each Work-house, with a convenient Salary out of the said Stock, or the Proceed thereof, to continue for three Years; and Two Overseers to see the Issuing and Return of the said Stock, and to take the Accounts Quarterly or Monthly of the Master, as they shall think fit.

4. That the Stock be deliver'd to the Overseers, and by them issu'd to the Master, as there shall be Occasion; and that they from Time to Time

Time receive the Proceed of the said Stock, and the Account for the same.

5. That at the End of every Year, the Master and Overseers give up their Accounts to the Two next Justices of the Peace, at Times by them prefix'd, and publickly notify'd to the Inhabitants of each Precinct, to the End they may take Exceptions to such Account, if Cause be.

6. That the Master and Overseers of every Work-house be incorporated, and capable to take in Succession, by Will or otherwise, Lands, Goods, or Money, &c.

7. That if any Person, not able to maintain himself, shall refuse to work, to be forc'd by Warrant from Two Justices of Peace, by Imprisonment and Correction.

8. If any Person employ'd shall embezel, or wilfully prejudice or spoil his Work, he may, upon Complaint to any Justice of the Peace, receive Imprisonment and Correction by Warrant of such Justice.

*The Benefits would be great, were this Method taken*

1. By incorporating of these Work-houses, charitable Persons would have a Pillar to fasten their Charity, and it would invite Benefactors because of the careful Administration.

2. This would bring up Hundreds to gain a Livelihood.

3. It would bring People, and their Children after them, into a regular, orderly, and industrious Course of Life; and all the Laws against Vagrants, Beggars and Wanderers, will then effectually be put in Execution, when we may be sure they may be employ'd if they will.

4. Wealth

4. Wealth will be encreas'd, Manufactures advanced, and every Body put into a Capacity of earning his own Bread. We may improve our Populousness to our Wealth as well as *Holland* and *Flanders*, and *Barbadoes*; and if we had the same industrious Education, we should have the same industrious Disposition.

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## C H A P. VII.

*Of Settlement. What hath been deem'd a Legal Settlement, or not. What Justices are empower'd about removing and settling of Wife, Children, Servants. Of Settlement, in reference to Bastards and Mothers.*

I Shall now come to that which hath been full of Perplexity in our Books, and which hath created more Trouble to the Officers and Justices, than any one Point of this Law; (*viz.*) Settlements, Removal, Disturbances, &c.

And in this, I shall consider how the Law hath been, and wherein it is alter'd, that so we may the better know how it stands at this Day.

And this, in reference to the Poor in general, and Servants, and Bastard-Children particularly.

Now as to the Places of Settling, they are Two; the Place of one's Birth, and the Place of last Settlement, if it may be known. Vagrant Rogues are to be sent to their Place of Birth, others to the Places of their last Settlement; and therefore, if one be born in one Parish, and afterwards

wards is an Inhabitant, or in Service in another Parish, if he grow poor and impotent, or wander, he must be found by that Town wherein he dwelt, and not be sent to his Place of Birth. But if he turn a Vagabond, sturdy Rogue, he must be sent to the Place of his Birth. 2 *Bulstrode* 352. *Resol. 9.* Those that have Houses when their Terms are expir'd, and Servants whose Time of Service is ended, if they are not impotent, are to provide themselves Houses and Places; if they cannot, they are to be set to Work by the Overseers, if able; but if such Persons wander abroad, begging out of the Parish, then they shall be sent as Vagabonds to the Place of their Birth. To this Purpose was the Town of *Kimmalton* and *Laystas*, 7 *Car.* at *Hereford Assizes*, 1631. *W.* and his Wife liv'd at *Laystas* Five Years, and after came into *Kimmalton*, and did there rent an House for a Year, and having Children, the Town fearing they would be chargeable to them, procur'd a Justice of Peace to charge the Landlord to warn them out of his House, or to put in Security to save the Town harmless; the Landlord put them out at the Year's End, and let the House to another: *W.* complains to the Justices, who order, That the Town of *Kimmalton* should provide him an House, paying an yearly Rent, or else that the Overseers of the Poor do provide for them; which they refus'd to do, and so were in Contempt. Whereupon *W.* complains to the Judge of *Assize*. *Per Whitlock:* The Order made by the Justices was against Law, for that *W.* was neither poor nor impotent within the Statute 43 *Eliz.* c. 2. but *W.* is to provide himself an House, and he might go back to *Laystas*, where

formerly liv'd, and had Means. *Bulstr.* 2. 242. he become impotent, *Kimmaltou* must provide him.

If the Case of Settlement of a poor Child be between Two Parishes, the Court usually refers to the Judges of Assize; but if between Two Counties, this Court will determine it. 3 *Keb.*

#### 4. The King and Tewing.

*What hath been deem'd a legal Settlement, and what not.*

As to that, we find these Rules:

Every one who is settl'd a Native, an Householder, a Sojourner, Apprentice, or a Servant retain'd for one Month at the least, without a just Complaint made to remove Him or Her, shall be held to be settl'd, (except there be any practice in the Case, *vid. infra*) *Resolv.* 26. This one Month is alter'd to Forty Days, *vid. infra*; and an Abode by the Space of a Month, must not be to live or keep privately sometimes in one house, sometimes in another; or to abide by reason of Sickness, Lunacy, Lameness, &c. nor as a Nurse-child, nor to a Scholar at School, or at a University, or Persons sent to an Hospital or House of Correction, or to the Common Gaol, but their Settlement is where their Parents are settl'd, or themselves last lawfully settl'd. *Resolv.* 32.

If one be retain'd in Service only, or had but hir'd an House, the Law unsettles not such Persons. *Note*, Such as shall by indirect Means hinder a poor Man from hiring an House, may for such Disturbance be indicted upon the Statute for causing them to turn Rogues. 39 *Eliz.* c. 5.

No



And it is Finable to remove or put any out of the Parish who ought not to be put out, and the Persons so remov'd may be sent back. *Dalt. 98. Resol. 11. For the Law unsettles none who are lawfully settl'd, nor permits it to be done, by Compulsion, or by Practice.*

No Settlement can be legal, that is brought about by Composition, Practice or Agreement. Therefore if a Parish will have a Man born in *A.* but settl'd with them, to go and wander, and beg in *D.* that he may be sent to *A.* and he doth so, he must be sent back to the Parish from whence he came.

No Settlement is legal, that is brought about by Compulsion. Therefore if a Man born in *A.* be settl'd in *B.* and he is there thrust and kept out of his House, so that he is forc'd to wander and beg in *D.* and thence is sent to *A.* he is to be settl'd in *B.* for this was by Compulsion. A Man with his Wife and Children, takes an House in one Parish for a Year, and before the End of the Term is put out of Possession, and then goeth into another Parish, where the Woman in a Barren is deliver'd of a Child; this thrusting out of Possession was an illegal unsettling, therefore they must be sent to the Parish where they were lawfully settl'd. *Resolv. 24.*

A mistaken Settlement, is no Settlement at all. Therefore if a Rogue be taken and examin'd and saith his Birth is at *D.* and it cannot appear otherwise, but he confesseth truly that his last Place of Habitation was at *S.* whereupon he is whip'd and sent to *S.* and at his coming to *S.* the Place of his Birth is known to be *W.* in this Case he must be sent to *W.*

No Settlement can be legal in any Parish, when the Residence of the Party is obscure and uncertain, and coming now and then, and lying in Barns and Outhouses, &c.

As to the Alteration of the Law as to some of these Points, *vid. infra*, under the Statute of 14 Car. 2. c. 12 and 1 Jac. 2. and 3 & 4 Willielmi & Maria.

No Settlement can be where the Party is under Disturbance by the Officers: *Vid. 3 & 4 Will. & Mar. infra*

*Note*, They that are sent from one Parish to another, must be offer'd to the Church-wardens and Overseers of the Poor of the Place, &c. and not to any other Person.

*Note also*, It was deliver'd by Sir Francis Harvey at Summer Assizes at Cambridge, 1629. that the Justices of Peace (especially out of their Sessions) were not to meddle either with removing or settling of any Poor, but only Rogues. *Dalt. p. 158.* Some hold the next Justice of the Peace may give Order in it, and upon Appeal the Quarter-Sessions shall fully take Order therein.

*H.* being a Labouring Man, and having an Abode at *T.* goeth to work, (*viz.*) to make Brick with his Family to *E.* where he died; *T.* and *E.* being both in the County of *Middlesex*, his Family shall be kept by *T.* altho' his Employment lasts longer than that Season, as well as if he had only remov'd to an Harvest, or such like. 1 *Keb.* 243. between the Parishes of *Eling* and *Thistleworth*.

*Settlement as to Wives and Children, where the Husband is a Servant, Rogue, &c.*

Regularly the Wife is to be sent to, and settled with, the Husband where he is settled, tho' he be there but as an Iumate or a Servant. If he be a Rogue, she shall be sent to him; if the Husband be a Rogue, and the Wife not, she must be sent to the Place of her last Settlement so long as the Husband is in *Bridewell*, and then to be sent to him where he is settled.

If the Husband hath an House in *A.* and lives there by Night, but is in Covenant to serve a Master in *B.* and he is there all the Day, in this Case she is to continue in *A.* but if he take an House in *B.* she must be settled with him.

If a Man hireth an House in *A.* and being there with his Wife and Children, he afterwards shall bind himself as a Servant with one dwelling in *B.* yet his Wife and Children are not to be sent to *B.* or plac'd there, but are to remain still at *A.* where they were once settled; otherwise if the Husband had hir'd an House in *B.* *Dalt. ult. Edit. 158.*

If a Child be born, or be a Servant in *B.* it's a Settlement there whether the Father be impotent or not; but it not appearing whether the Child were above or under Seven Years old, the Order was quash'd. Also the Justices cannot send the Child to the Father, but must order Contributions to be levy'd on the Father at *P.* (where he liv'd, to be sent to *B.*) and *per Keeling and Moreton*, said the Wife and Children may be settled in one Place, and the Husband in another; but *Twisden* conceiv'd, if the Husband be settled in

ano:

another Parish as a Servant, the Children not settled may be sent to him. 2 *Bulst.* 357. 2 *Reb.* 618. *The Inhabitants of P. Case about Settlements as to Children.*

Regularly all Children are to be sent to, and settled with, the Parents.

Children above Seven Years old, if begging and vagrant with the Parents, are to go to *Bridgwell* with them; if under, to the Place where they last pass'd through without Punishment.

If Children unsettld have no Parents, or the Parents cannot be found, they must go to the Place of their last Settlement; but otherwise, young Children whose Parents are dead, and were settled, in that Place are they to be settled, and set at Work, where the Parents dwell at the Time of their Death, and not to be sent to the Place of their Birth. *Per Fleming Chief Justice.*

If a Child be duly settled with Father or Mother, and they die, or run away thence, it must there continue, and may not be sent to the Place of its Birth.

And wherever the Woman with Child is to be settled in a Parish, if she die, her Child shall be charg'd on the same Parish. *Dalt.* 1 *Edit.* 121.

*Vide plus infra, Bastard Children.*

If one great with Child be sent to the House of Correction, and there she is deliver'd, the Child shall be sent to the Parish from whence the Mother came, there to be provided for. *Per Jones.* And Children born in the Common Gaol and Houses of Correction, their Parents being Prisoners, are to be maintain'd at the Charge of the County. *Resol.* 32.

*Settlement as to Servants.*

If a Woman unmarried be hir'd weekly or half-yearly in a Parish, and there she hap to be gotten with Child, and then goeth into another Parish, where she is settled in Service or otherwise Two or Three Months, and then she appears to be with Child; in this Case she is to be settled in this Place, and not in the Place where she was got with Child. *Resol. 12.*

If a Maid-servant be got with Child at *A.* by one of the same Parish, and both their Times of Service end, and they marry, and then the Man is retain'd in Service at *B.* and the Woman is deliver'd of her Child in *A.* in this Case, she and her Child shall be settled with the Father at *B.* *Per Dalton 159. Vid. plus infra de Bastard Children.*

*Of Settlements as to Bastards and their Mothers, and of Relief.*

A Woman-Servant unmarried is gotten with Child, and then goeth out of her Master's Service before or after it be discover'd that she be with Child, and the reputed Father be run away, or is not able to free the Parish; here if the Master hath legally discharg'd his House of such a Servant, he is no more bound to provide for her than any other. *Resol. 13.*

Otherwise he must provide for her till her Delivery, and one Month after, and so if her Time be not expir'd. *Vid. Post 94.*

A hir'd Servant in *A.* is got with Child, after her Time of Service expir'd she goeth into another Parish, and is there hir'd in Service, or otherwise settled by the Space of one Month, and is then discover'd to be with Child, she now is not to be  
sent

sent to the Place or Parish where she was got with Child, but to the Place where she was last lawfully settled. *Resol. 12.*

Children born in Common Gaols, or in Houses of Correction, their Parents being Prisoners, must be maintain'd at the Charge of the County. *Resol. 32.*

A Travelling Woman having a small Child sucking upon her, is apprehended for Felony, and sent to the Gaol, and is after arraign'd and hang'd: This Child is to be sent to the Place of its Birth, if it can be known, otherwise it must be sent to the Town where the Mother was apprehended; for that that Town ought not to have sent the Child to the Gaol (being no Malefactor). And so it was deliver'd by Sir *Nich. Hide* at Cambridge Lent Assizes, *Anno 3 Car. Regis. Dal. 157.*

It is made a *Quere* in the Judges Resolution, Whether a Justice of Peace may discharge a Servant being with Child from her Service, allowing that as a reasonable Cause, that she is thereby made unable to do the Service, which otherwise she might have done; and if he may discharge her, whether that Parish shall provide for her, till her Delivery, if she cannot provide for her self? And so also, if her Time be expir'd before her Delivery, who shall provide for her after the Time ended? *Resol. 22.* It is resolv'd, if a Woman being with Child, procure her self to be retain'd with a Master who knoweth nothing thereof, this is a good Cause to discharge her of her Service; and if she be gotten with Child during her Service, it is all one; but in neither of the said Cases can he turn her away of his own Authority: If her Term be ended, or she otherwise lawfully discharg'd, the Master is not bound



to provide for her; but it is a Misfortune fallen upon the Parish, which they must bear as in other Cases of casual Impotency.

It is made another *Quere*, Whether one being deliver'd of a Bastard-Child in one Parish, and goeth into another with her Child, and becomes Vagrant, and so is sent to the Place of her Birth; her Bastard-Child being under the Age of Seven Years, shall be settled with her Mother, and there maintain'd? If the Mother be not able, Whether it shall be sent to the Place of its Birth? Or being settled with the Mother, Whether the Parish where it was born, shall be order'd by the Two next Justices to pay a weekly Sum towards its Maintenance?

*Resol.* The Bastard-Child must be plac'd with the Mother, so long as it is within the Quality or Condition of a Nurse-Child, which shall be till Seven Years of Age, and then is fit to be sent to the Place of its Birth to be provided for, the Mother or reputed Father not being able; and the Place where the Child is born, shall not be forc'd to contribute to the Charges as long as the Mother lives, and the Child be under Seven Years of Age.

*Margaret B.* was got with Child by one *Gough*; the Child was born at *Drayton* in the County of *Salop* Eleven Years since, and *Gough* the reputed Father took the Child from the Mother, and plac'd him at Nurse elsewhere; and after marries another Woman, and dwells with her at *St. Chad*, and the Bastard-Child dwelt with him; afterwards *Gough* the reputed Father dies, leaving his Wife and divers Children, and the said Bastard Child, all poor, and maintain'd by the Parish. The Mother of the Bastard hath been  
all

all this while in Service, but is a simple Woman, yet able to work: The Question was, Whether this Bastard shall be sent to the Town of *Salop*, where he had liv'd for Ten Years, or to *Drayton*, the Place of his Birth, or to his Mother? *Resolv'd*, It shall be sent to the Mother if she be able; if she be not, then to the Town of *Salop*, in regard he had been there formerly settl'd with his reputed Father, and because it is the Place of last Settling, he being there for Ten Years; and the Law respects the Place of last Settling, as well as the Place of Birth.

Where the Mother, or putative Father, leave their Child or Children on the Parish, the Church-wardens and Overseers, by Warrant of Two Justices, may take their Goods and Profits of Lands, and by Order of Sessions sell the same, towards Maintenance of such Children; and so they may where other Children are left by their Father and Mother on the Parish. See the next precedent Chapter.

## C H A P. VIII.

*Of the Relief of Bastards, and of punishing their reputed Parents. The Power of Justices in making Orders. What Orders shall be good or not. What Final or not. Of Appeals. Of the Power of Justices of Peace in Sessions, by 3 Car. c. 4. And how far that alters the Statute of 18 Eliz.*

**U**NDER this Head of Bastards, I shall set down the Statute made 18 *Eliz.* cap. 3. How Justices of Peace shall order the Punishment of the Mother, and reputed Father of a Bastard: And cite such adjudg'd Cases thereon that shall direct us, as to the Maintenance of such Bastard-Children.

*Concerning Bastards begotten and born out of lawful Matrimony, the said Bastards being now left to be kept at the Charges of the Parish where they be born, to the great Burden of the same Parish, and in defrauding of the Relief of the Impotent and Aged true Poor of the same Parish, and to the evil Example and Encouragement of lewd Life: It is Enacted, That Two Justices of the Peace, whereof one to be of the Quorum, in or next unto the Limits where the Parish-Church is, within which Parish such Bastard shall be born (upon the Examination of the Cause and Circumstance) shall and may by their Discretion take Order,*

as well for the Punishment of the Mother and reputed Father of such Bastard Child, as also for the better Relief of every such Parish in part or in all, and shall and may likewise by like Discretion take Order for the keeping of every such Bastard Child, by charging such Mother or reputed Father with the Payment of Money weekly, or other Sustentation for the Relief of such Child, in such wise as they shall think meet and convenient: And if after the same Order by them subscrib'd under their Hands, any the said Persons (viz.) Mother or reputed Father, upon Notice thereof, shall not for their Part observe and perform the said Order, That then every such Person so making Default in not performing of the said Order, to be committed to Ward to the Common Gaol, there to remain without Bail or Mainprize; except he, she, or they, shall put in sufficient Surety to perform the said Order, or else personally to appear at the next General Sessions of the Peace to be holden in that County where such Order shall be taken, and also to abide such Order as the said Justices of the Peace, or the more Part of them, then and there shall take in that Behalf (if they then and there shall take any); and that if at the said Sessions the said Justices shall take no other Order, then to abide and perform the Order before made, as is above-said.

[That Two Justices of the Peace, &c.] The Justices of Peace in case of Exigence may provide for Bastard Children; and other Justices of Peace, besides the Two next, may make an Order; and this Statute was only made to order and regulate the Manner, which may be extended by Equity unto any Justices into whatsoever Place the reputed Father removeth. The Case was, The Justices of London made an Order for keeping of a

Bastard-Child in *S. in Sussex*, and there the reputed Father gave Security to keep him. Now the Party having remov'd into *London* with the Child, the Order is sufficient, tho' it were to pay 15 *l.* Arrears of 3 *s.* by the Week order'd in *Sussex*, and to give Security to pay for the future what the Two next Justices think fit: Here being not only a Contest between the Parish and the Defendant as to the Bastard, but for his Misdemeanour in refusing necessary Maintenance; and the Court remanded him, and confirm'd the Order, 1 *Keb.* 459. *William's Case.*

[*At the next General Sessions.*] Upon Motion to quash an Order made by the Justices of Peace at their Sessions in *Kent*, for the keeping of a Bastard-Child; it was resolv'd, That these Words, [*next Quarter-Sessions,*] shall be intended, that the Order made by the Justices shall be confirm'd at the next Quarter-Sessions, held for that Part of the County where it was made, and not the very next Sessions in the County, for this would be mischievous in many Counties, as in *Kent*: For the Sessions held at *Canterbury*, do not intermeddle with Things done in *Maidstone* Division, nor *Maidstone* with *Canterbury* Division. *Siderfin*, p. 149. *The King vers. Coystan.*

This Act is continu'd by 3 *Car.* 1. c. 4. (that is to say) so much of it as concerneth Bastards begotten out of lawful Matrimony, with this Addition, That all Justices of Peace within their several Limits and Precincts, and in their several Sessions, may do and execute all Things concerning that Part of the said Statute, that by Justices of Peace in the several Counties are by the said Statute limited to be done. This Clause that gives Authority to Justices of Peace in Sessions, is to be understood, where the

next

next Justices have made no Order therein, *Dalt.* p. 40. For the Justices of Peace in Sessions could not before the Statute 3 *Car.* 1. c. 4. meddle with the Settlement of, or Provision for a Bastard-Child, according to 18 *Eliz.* c. 3. until the Two next Justices had made some Order therein; and after such Order made by the Two next Justices, the Sessions might proceed therein to make a new Order. But now by this Stat. 3 *Car.* 1. c. 4. the Justices in Sessions have Power originally to make an Order therein.

*As to Bastards begotten and born out of lawful Matrimony.*

The Statute 18 *Eliz.* c. 3. shall be taken by Equity; and altho' Bastards are intended Children born, yet the Justices may take Security of such as are big, or of reputed Fathers during that Time, lest they be gone before the Child be born; and after the Child is born, it is an usual Practice for the Overseers to take Security of the reputed Father to save the Parish harmless; and oftentimes they take a Sum of Money in Gross for that Purpose, especially about *London*. And many say, That if the Child die in a short Time after, this Money is conceal'd from the Parish; of which, *Quare.*

An Order of Discharge was not the next Sessions after the Charge, the Defendant being beyond Sea; but it was the next Sessions after the Defendant return'd, and had Notice of the Order of Charge as reputed Father: *Per Cur'*, did this appear in the Order of Discharge, that the Sessions after Notice is the next, on 18 *Eliz.* c. 3: 3 *Kebl.* 551. *The King and Baker.*

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This Statute shall be taken by Equity; and albeit Bastards are intended Children born, yet the Justices may take Security of such as be big, or of reputed Fathers during that Time, lest they be gone before the Child is born; which the Court agreed. 3 *Keb.* 708. *The King and Browne.*

[*And the reputed Father of such Bastard-Child.*]

By this Statute the reputed Father is only chargeable, and therefore in one *Linter's Case*, the Indictment of a reputed Grand-father of a Bastard was quash'd, and all the Orders therewith remov'd, were quash'd also. 3 *Keb.* 747.

*Note.* Every Justice of Peace (upon his Discretion) may bind to the good Behaviour, him that is charg'd or suspected to have begotten a Bastard-Child, that he may be forth coming when the Child shall be born, otherwise there will be no reputative Father, when the Two Justices (after the Birth of the Child) shall come to take Order according to the Statute 18 *Eliz.* The like may be done after the Birth of the Child, and before such Order taken, *Lambert* 122. *Crompt.* 196. *Dalt.* 39. And if such reputative Father shall by Perswasion or other Practice be convey'd away, or run away, so as the Justice of Peace cannot come by him; every Justice of Peace, upon his Discretion, may bind to the good Behaviour, and so over to the next General Gaol-Delivery, or to the next Quarter-Sessions, such as shall have an Hand in such Practice; and such Offenders may by the *Discretion* of the Justices (at their general Sessions) be order'd to contribute towards the Maintenance of the said Bastard-Child: So if Constables having receiv'd a Warrant to apprehend the reputative Father, shall willingly or negligently suffer him to escape, or fine them:

So

So if the Mother be convey'd or sent away, whereby she leaveth her Child to the Charge of the Town.

[*Such Bastard shall be born.*] Such Bastard-Child must be such that is left to the Charge of the Parish, or one likely to be chargeable.

[*Take Order, &c.*] and upon Non-performance, to commit, except Sureties put in to perform the said Order, &c. *Hammond's Case*, 3 Car. 1. was, He got a Child; the Examination whereof was refer'd to the Two next Justices, according to the Statute, upon which the Justices make an Order, which *Hammond* refus'd to perform; thereupon they cause him to enter into Bond to appear at the next Sessions, where he appear'd; the Justices there made another Order, and because he refus'd to perform this, they committed him to Prison. *Per Curiam*, the Imprisonment was illegal, being not warranted by the Statute, but they ought to have proceeded against him upon his Bond. By *Hide*, Chief Justice, the Justices ought not to commit for not performing their Order of Quarter-Sessions, where they alter the former Order made by the Justices, who had first the Examination; for by the second Order the first was made null: And it was one *Smith's Case*, 6 Car. 2. It appear'd by Proof before Two Justices, that *Smith* was the reputed Father of a Bastard-Child, and the Justices made an Order for Maintenance of the Child, and for Discharge of the Parish according to Law, and afterwards committed him for not performing the Order: *Per Cur'*, B. R. the Commitment is void, and the Justices should have taken Bond of him to appear at next Sessions.

But

But this Case went further: Sir *H. Poole* and Dr. *Standard* being the Two next Justices, did examine this Matter; upon which it then appear'd that one *Field* was the reputed Father, and made their Order against *Field*, that he should maintain the Child, discharge the Parish, and enter into Bond for his Appearance at the Quarter-Sessions, and to abide their Order there made: He refus'd to enter into Bond, but appear'd at the Sessions, and there shew'd that *Smith* was the reputed Father. The former Order was certify'd, but the Justices did nothing upon it, but granted a new Reference unto Dr. *Standard* and Master *Gregory*, Sir *H. Poole* being gone out of the Country, and they made the last Order contrary to the former, and by this they charg'd *Smith* as the reputed Father: It was resolv'd, 1. That the Justices at their next Quarter-Sessions ought to have made their final Order, or to have affirm'd or disallow'd the former Order, and then afterwards to have granted a Reference to the same next Justices which made the first Order, to consider better of it, and of the Proof, and this had been according to Law. 2. That after an Appeal to the Sessions, and the Justices there do repeal the first Order, the Matter then is as *Res integra* before them, and they may then grant a Reference to the Two next Justices. 3. That the Recognizance ought to be in the Disjunctive, (*viz.*) To perform the Order by them made, or to appear at the next Quarter-Sessions, and to abide the Order there. 4. The Reference by the Justices at the Sessions, before they had allow'd or disallow'd the first Order, was illegal: This was so resolv'd in the *King's-Bench*.

*Anne Tarling* having a Bastard-Child; upon Complaint made thereof to the Sessions, it was refer'd to the next Justices to examine and order; who did make an Order against *John Wood* to be the reputed Father, and order'd him to allow One Shilling and Four-pence weekly, &c. *Wood* appeal'd to the Sessions, where the said Order was disallow'd, and one *W. C.* charg'd to be the reputed Father. *Jones*, Justice, at *Glocester* confirm'd the last Order made at Sessions, which was final, and no Appeal to be admitted against it. And so was *Pridgeon's* Case of *Lincolnshire*: *Pridgeon* being examin'd, was found by Two Justices to be the reputed Father of a Bastard-Child; they made an Order against him, for Allowance, &c. Afterwards he appeals to the Sessions, where *Pridgeon* was discharg'd, and another was found to be the reputed Father, and an Order made against him. Afterwards at another Sessions of the Peace, upon a Re-examination, another Order was made against the last Order, whereby *Pridgeon* was found again to be the reputed Father, and so order'd to maintain the Child, and if he did not perform it, should be committed; he was committed, and brought his *Habeas Corpus*. *Pridgeon* appeals to the Judges of the *King's-Bench*. Resolv'd, That *Pridgeon* shall be freed from the Second Order at Sessions, it being illegal; and the First Order made by the Quarter-Sessions, upon Appeal to them, to stand in Force, and no Appeal to be admitted against it, the same being final, and not to be alter'd by the Judges of Assize, *Crok. Car.* 341, 350. *Jones* 330.

It was resolv'd, upon the Statute 18 *Eliz. c. 3.* That the Justices of Peace at their Sessions, nor the Justices of Assize, have Power to meddle with

with Bastard-Children but upon Appeal and Settling ; but this is to be done by the two next Justices. *Pasch. 8 Car. 1. B. R. Bowber and Painter.*

But suppose two such Justices cannot agree upon their Order, what is then to be done ? As, suppose they cannot agree upon the reputed Father, &c. Some think it fit that such Difference should be referr'd to the Hearing of the whole Bench, so the Matter to be re-examined by them, and what Order therein shall be set down by the Bench, the same to stand good ; but I like the other Opinion best, which is (as is conceiv'd) the Words of the Statute being in the Disjunctive, *Two Justices of Peace in or next to the Limits, &c.* If the two Justices of Peace in that Division or Limits cannot agree, then the two Justices of Peace next to that Division or Limits (being in the same County, and one of them of the *Quorum*) have Power to take Order therein.

But now *per Stat. 3 Car. 1. c. 4.* the Justices have Power in Sessions originally to make Orders about the Settlement or Provision for Bastard-Children, which before they had not ; for now the Justices of Peace in Sessions have the same Authority given them as was given the two Justices by 18 *Eliz. 3.* and the same Rules are to be observ'd in drawing their Order *mutatis mutandis.*

This Statute doth not give Authority to one Sessions to alter that which in a former Sessions was order'd ; for the Statute is, That if the two next Justices of Peace do not make Provision for the Bastard, the Justices of Peace at their Quarter-Sessions shall settle an Order for keeping the Bastard, as the two next Justices ought. *Crok. Car. 350, 351. Pridgeon's Case.*

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The Justices can't confirm the first Order, and add further Penalty; but they may alter or enlarge at Pleasure upon Appeal; but on Appeal they cannot refer the Order back to be alter'd by the first Justices. 1 *Keb.* 570. *The King against Terry.*

By this Statute, 3 *Car.* 1. c. 4. the Justices in Sessions may proceed on Order made by the next Justices, whether begun originally in Sessions or not. 2 *Keb.* 720. *The King against Jennings.*

On the Consideration of these foregoing Cases, *Keeling* said, That in the first Order of Justices for keeping a Bastard, the Security by 18 *Eliz.* is to abide the Order of the next Sessions, and no other; and if they affirm the first Order on Appeal, or annul it, still the first Security only remains, and no other can be taken of him, or any other Person that shall appear to be the reputed Father; and in this Case, the Justices of the third Sessions have nothing to do to discharge or affirm the first Order. 1 *Keb.* 546. *The King against Colting.*

A Servant-Maid dwelling in *Twynning* was got with Child, and being near her Time, was convey'd by Practice into an Out-house in *Tewksbury*, where the Child was born. Afterward *Twynning* gave her Relief; and as soon as she was able to remove, they of *Twynning* gave her and her Child Relief for two Years. Afterwards the Mother being sick, they sent her away with her Child to *Longden* in *Com. Wigorn.* where the Mother died: Then they of *Longden* sent the Child to *Twynning*, and they of *Twynning* sent the Child (being under the Age of three Years) to *Tewksbury*, and they sent it back to *Twynning.* *Resolv'd* at the Assizes, 9 *July*, 8 *Car.* *An.* 1682. The Child regularly is

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to be kept where it was born, if no Practice was us'd to have it born there; but if by Practice, then it is to be kept by the Parish where she did dwell, and where she was got with Child, and which us'd such Practice, and that is the Parish of *Twyning*. And so it was order'd.

And in *Trinity Term*, 3 *Anna*, a Case was thus: viz. A poor Woman with Child was removed from the Parish of *Westbury* to the Parish of *Cosham*, by Order of two Justices near *Westbury*; and before the Sessions, she was brought to Bed at *Cosham*, and afterwards the Order was quash'd on Appeal at the Sessions. And *per Cur*, The Child is legally settled in the Parish of *Westbury*, from whence the Mother was illegally removed; for they shall not take Advantage of their own Wrong: And so it would have been in this Case, though they had not known of the Woman's being with Child at the Time of the wrongful Removal. But if a Woman with Child be travelling, without Fraud of the Parish in which she is settled, and in such Travel is deliver'd of her Bastard, it shall be settled where born; but otherwise if there be Fraud in the Case: According to which, see the Case of the Parish of *Bowham* in *Essex*, 2 *Bulstr.* 349. And Note, in the principal Case *supra*, it appeared on the Order of Removal, That the Woman had a Husband, who had left her seven Years before, but not said that he was dead, and so the Child could not be a Bastard.

A Man is charged to be the reputed Father of a Bastard by Order of two Justices; he appeals to the Sessions, and prays a Day to another Sessions to bring in his Proofs; and besides giving a Day, nothing is done. Now the Question was, If the Court might give him Relief at another Sessions?

And

And at the Assizes, per Walter Chief Baron, resolv'd, That the next Sessions after, the two Justices Order must relieve him, or none else should, 6 Car. 1. *Gitten and Edwards*. So in 6 Car. 1. it was resolv'd in the Case of one *Smith* against the Parish of *Blackthorn* in *Comit. Oxon*.

*Note*, Such as shall remove or put any out of the Parish that ought not to be put out, this is against the Statute concerning the Relief of the poor, and finable; and if any be so sent away, they may be sent back again. And this Fine seemeth to be by Force of the Statute of 39 *Elix*. cap. 4. and to amount to five Pounds, and is to be levied by Distress and Sale of the Offenders Goods, upon a Warrant under the Hands and Seals of any two Justices of the Peace, either upon the Confession of the Offenders, or else upon the Testimony of two sufficient Witnesses.

If a Man consents in a Court of Record to keep a Bastard-Child, if after he neglect, an Attachment lieth. 1 *Keb*. 534. *The King against Spearing*.

If a Man live in an House at *A*. there with his Children, but works in *B*. where he is hired for a Year, in this Case his Children shall be in *A*. but if he have a House in *B*. they shall be sent there. *Dalt*. 158. *Vide ante*, Chap. 7.

For the placing and settling of poor People, who (for Want of Charity) are much sent and toss'd up and down from Town to Town, and from County to County, it hath been holden by some, the late Acts of Settlement, 1 *Jac*. 2. c. 17. 3 & 4 *W. & M*. cap. 11. 8 & 9 *W*. 3. cap. 30. and 5 *Ann*. cap. 34. are full in the Point. See in the *Abridgements*, and see after, Chap. 11.

A Maid-

A Maid-Servant was gotten with Child by one R. at D. and the Child born there; R. takes the Child from the Mother, and puts it to Nurse, and marries another Woman, and keeps the Child with him ten or eleven Years together, and died, leaving a Wife and divers Children, which she was not able to maintain, but they were reliev'd by the Parish. The Mother of the Bastard-Child usually liv'd at Service, and had three Pounds *per Annum* left her by her Friends; but it was not in her own Hands, and she was still able to do some Work, though she was a Woman but of a weak Understanding. It was resolv'd at *Salop Assizes*, by *Jones and Whitlock*, 7 Car. 1. That the Child was to be sent to the Mother, if she were able to maintain it; if not, to the Place where it was settled ten Years with the Father. 2 *Bul. Rep.* 350. *Vide antea* 78, 79.

*Further Observations touching Orders for the Relief of Bastard-Children.*

1. If the Party appeal to the next Sessions, and the Justices there make an Order thereupon, it is final, and cannot be alter'd by any After-Sessions. *Crok. Car.* 350. And this was the Case of *Pridgeon*. *Vide antea* 87, 88.

2. The Order must be by two Justices of the Peace, whereof one is of the *Quorum*.

3. It must appear by the Order, that the Justices of Peace, making the Order, are the next Justices of Peace to the Parish Church where the Child was born. *Stiles* 154.

4. A Return of an Order of Justices of the Peace for keeping a Bastard-Child, removed hither by *Certiorari*, was read; and upon the Reading,

ng, the Court was moved to quash the Order upon this Exception chiefly; for that the Order doth not direct how long the Party shall keep the Child, as the Statute doth direct it should; and it was quash'd. For the Payment must be made to continue so long as the Child shall be chargeable to the Parish; for the Party may take it, and keep it himself; and where the Mother is able, the Justices have nothing to do in the Case. *Stiles's Rep.* 154. and pag. 386. Order was to pay three Shillings per Week to keep a Bastard. It was quash'd; the Party may keep it himself, if he will.

5. It must be positively declared and adjudged who is the reputed Father, and not to repeat what the Witnesses say, or what the Mother saith, but the Order must be positive and absolute; for it is a Judgment in the Case, and every Judgment must be positive and certain. Therefore in *Mich. 24 Car. 1.* the Court was moved to quash an Order of Sessions made, that one should keep his reputed Child, because he had kept him heretofore; and it doth not shew, either that it is his Bastard, or his lawfully begotten Child; and it was quash'd. *Stiles's Rep. p. 154.*

6. The Order was, That the Party should pay a weekly Sum for the keeping of the Child; and it was quash'd, for no such Order could be made without the Party's Consent: And by the Statute, he is only compellable to secure the Parish where the Child was born, that it should not be a Charge to the Parish. So *Stiles's Rep. 14.*

7. If it doth not appear that the Justices had any Power to make any Order at all in the Case, as if it appears not where the Child was born, and so it may be born in another County, where the

the Justices have nothing to do, it shall be quash'd. *Stiles*, p. 14. As, an Order of Sessions was made at *Arundel* in *Sussex*, for paying so much Money Weekly to a Parish, towards the Keeping of a Bastard-Child, was quash'd; because it did not appear by the Order, that the Child was born in that Parish to which the Money was awarded to be paid. *Stiles's Rep.* 368.

8. By some, the Justices of Peace may adjudge a reasonable Sum in Gross, to be paid to the Parish for the Charge of the Woman's Lying-in.

9. None else can be made chargeable to the Keeping of it but the reputed Father or Mother, and the Master for suffering it to be got in his House; but as to the last, for the Master, *Vide prius*, 76, &c.

10. The Court was mov'd to quash an Order of a private Sessions of the Peace, that was remov'd hither by *Certiorari*; the Order was, That one should contribute to half the Charge towards the keeping of a Bastard-Child, because he did suffer a Soldier to get the Child upon the Body of his Maid-Servant: *Per Cur'*, This is not within the Statute 18 *Eliz.* and therefore the Order was quash'd. *Stiles's Rep.* p. 207.

11. An Order of the publick Sessions, made against one *Denton* for the Keeping of a Bastard-Child, was remov'd into this Court by a *Certiorari*; and the Party also, who was committed to *Aylesbury* Gaol for disobeying the Order, was brought into Court upon an *Habeas Corpus* granted to him; and upon the reading of the Return of the *Habeas Corpus*, this Exception was taken to the Return, That it appears by the Return, that the Order, made for *Denton* to keep the Bastard-Child, was made by the Justices at the Quarter-Ses-

tions; and that, for not obeying this Order, he was committed to the Gaol by Two Justices at a private Sessions of the Peace: Whereas the Justices at the Quarter-Sessions had no Authority by the Statute to make such an Order; for it might have been made by the next Two Justices of Peace to the Place where the Bastard was born. And to this, *Glyn*, Chief Justice, agreed, but would not release the Prisoner till he was bound over with good Bail to the next Quarter-Sessions for the County of *Buckingham*, to appear there, and to answer the Fact. *Stiles* p. p. 475. *Denton's Case*. But this Opinion seems not to be a Law; for by *Stat. 3 Car. 1. c. 4*. Justices in their Sessions have Power originally to make Orders about Bastard-Children. *Vide* *infra*.

*Indictment for not performing an Order of Sessions.*

An Order was made by the Two next Justices; the Party appeal'd to the Sessions, and they make an Order, That the Party shall abide the Order of the Two next Justices *de novo*; the Court held it well enough. *1 Keb. 517. The King against Parsons*.

Orders made by Three Justices of Peace, if they be void in Part as against Law, yet they shall be good for the Residue. The Party gave Security to obey the Order of the next Sessions. The Sessions, on confirming the Order, do also order that the reputed Father of the Party shall put in new Security, such as, &c. This is idle and nugatory, there being no Appeal by the Party. *1 Keb. 534. Syderfin, p. 150. The King against*



against Costing. This must be understood when the Clauses are distinct.

On Appeal, the Justices may order the *Feme* to the House of Correction, or alter the Maintenance, although nothing were made by the First Justices. Order to keep the Child at so much per Week, or discharge the Parish: A good Order. 1 *Keb.* 570. *The King against Terry.*

Order was made for Keeping a Bastard-Child, which was made on Appeal *ad Sessionem pauperum Westm.* not saying *General* or *Quarter-Sessions* next; this was the Exception: But *per Curiam*, both Sessions are shew'd particularly, and so it appears to the Court none could be betwixt, and so *ad proximam Sessionem* not necessary. *B. R.* 14 *Car.* 2.

The Justices which make Order for Bastards have no Votes in Sessions, they cannot be thought to be equal Judges. *Per Hyde*, C. Justice.

Counsel excepted to an Order for a Bastard-Child, being made by Two Justices, not saying one to be of the *Quorum*. *Sed not allocat.* 1 *Keb.* 782.

The Justices may by Order charge them with Weekly or Monthly Payments: If the Child be never chargeable to the Parish, the Justices have nothing to do with it; but when once the Parish is charg'd, they may make Order to pay Two Shillings and Six-pence per Week; and it ceaseth by other Provision made for the Child, as Descent of Estate, &c. *Edgcot's Case*, cited in *Sharp's Case*. 1 *Keb.* 782. The Order was to pay Three Shillings per Week till the Child be Eight Years old; the Weekly Payment is good, and the other Time will not make it void. 2 *Keb.* 300. *The King against Boniface.*

An Order of Two Justices of Peace of *Middlesex* was to *Hill*, to pay Eight Pounds to the Church-wardens to reimburse the extraordinary Charges they have been at, or were likely to be at hereafter: This was excepted to, but *per Cur'*, it's well enough. And it shall be intended such Charges as they were engag'd in, as for Midwife, and other Necessities, as its taking the Person of the reputed Father, also for a Monthly Payment. But for the giving Security upon *Pridgeon's* Case, they conceiv'd it was not good to abide such further Order as they should make, and the Court committed him till the Payment of Eight Pounds. 2 *Keb.* 179. *The King against Hill.*

Counsel mov'd to quash an Order for keeping a Bastard-Child, being Two-pence *per Week*; but *per Cur'*, the Justices at Sessions having declar'd him the Father, and order'd so inconsiderable Maintenance, this Court may encrease the Sum, else the Order would be ineffectual. The Court agreed, they might confirm Part, and repeal Part, or the Sute may be now at Sessions originally, but they cannot return any Order to the Two next Justices to amend; but by Consent here, the Parties were sent down to the Two next Justices, and the Order quash'd. 2 *Keb.* 356. *The King against Purchas.*

Cost is allow'd upon a *Certiorari*, on Removal of an Order of a Bastard-Child. 2 *Keb.* 500. *Hazelfoor*, as cited in the Case of *Cusse* and *Monk*.

Two Justices of Peace made an Order in Sessions-time against one *R.* as reputed Father, for keeping a Bastard-Child: *R.* appeal'd after the Order made by Two Justices to the same Sessions, where the Justices made an Order, that one *B.*

F

should

should keep it. *Jones* mov'd to set aside this Order, because he said, the first Order being made in Sessions-time, that Sessions could not be said to be the next within the Statute 18 *Eliz.* and because the Justices at the Sessions did not quash the Order made by Two Justices; *Keeling*, They ought to have done that: *Twisden*, They may vacate the first Order, and refer it back to Two Justices, as *Res integra*; the Parties were bound to appear at next Assizes for *Essex*.

*Note*, The Order was to pay Twelve-pence per Week, till the Child came to be Twelve Years of Age; which by *Twisden* was ill, for it ought to have been made, So long as the Child continues chargeable to the Parish. I conceive he means the Order is ill for that Part, as to the Time of Twelve Years: *Vid. supra. Mod. Rep. p. 20. 2 Keb. 575. 2 Bulst. 341. Burrell's Case.*

The Two Justices order *W.* to keep the Bastard-Child, *W.* appeals, and is at Sessions discharg'd; and they refer it again to the same Justices, who find one *R.* the Father, who appeals, and is at next Sessions discharg'd, and *W.* charg'd again; it's ill. *Per Curiam*, both these Parties being discharg'd, the Child must lie on the Parish, unless new Persons be found out; as *Pridgeon's Case* was, and the Order against *W.* was quash'd. 21 & 22 *Car. 2. Hill. B. R. The King against Windsor.*

Order was to reimburse 40 s. for the Midwife, and 4 l. for Nursing; it was not made to reimburse the Parish, but to reimburse the Mother of the Bastard. And, 2. It was to pay 7 s. a Week to the Mother as the Nurse, till the Child be able to gain a Livelihood by working; both well enough *per Curiam*, and more certain than

if it had been to a certain Age: But it was agreed, that the Charges precedent to the Order of the Justices, as for Nurse or Midwife paid by the Friends of the Party, unless the Parish be chargeable therewith, is not good. 3 Keb. 23. *The King against Sherman.*

Order of Sessions was excepted to, because it appears not that the Child was born in the Parish where it's said to be chargeable, (*viz.*) *H.* But because the Child cannot be chargeable to any other Parish than where born, and doth not appear it was born in any other Parish, it's well enough; and tho' it be said by the Two Justices of Peace [next to the Parish,] not [next to the Parish Church,] yet *per Twisden and Rainsfield* it's well enough, for that is all one by Intendment: And it was further excepted, That there is no Order to give Bond; and this Order being confirm'd by the following Sessions upon Appeal, there is now no Remedy on the Bond. *Sed non allocat.* For the Statute 4 Car. 1. that they shall commit the Party, unless he give Bond: And all later Orders after the Confirmation on the Appeal, as to Affirmance or Disallowance, must be quash'd, but not Orders to enforce Payment, they are good, and the Order first made was confirm'd. 3 Keb. 383. *The King vers. Jennings.*

## C H A P. IX.

*Of the Punishment of the Mother of a Bastard-Child. Of the reputative Father and Mother of Bastard-Children running away. If they leave an Estate, how to be employ'd.*

**I** Shall not speak of the Punishment of the Mother or reputative Father of the Bastard-Child, it being my Design only to treat of the Relief of the Poor, &c. Only let me add, That over and above the Punishment in the Statute 18 Eliz. c. 3. *quod vide supra*, it is enacted in one Clause of 7 Jac. c. 4. about Houses of Correction, That every lewd Woman which hath any Bastard which may be chargeable to the Parish, the Justices of Peace shall commit such lewd Women to the House of Correction, there to be punish'd, and set on Work during the Term of One whole Year; and if she shall afterwards offend again, then to be committed to the said House of Correction as aforesaid, and there to remain until she can put in good Sureties for her good Behaviour, and not to offend so again. This is not to be till after the Child is born, and she able again; and this must be done by Two Justices, which may be the same as are authoriz'd by 18 Eliz. It's the common Practice to send the Child with the Mother.

As to further discharging and saving harmless the Parish from Charges of such Bastard Children, there is a Clause in Statute 14 Car. 2. c. 12.

an Act, entituled, *For the better Relief of the Poor of this Kingdom, viz. Whereas the putative Fathers and lewd Mothers of Bastard-Children run away out of the Parish, and sometimes out of the County, and leave the said Bastard-Children upon the Charge of the Parish where they are born, altho' such putative Father and Mother have Estates sufficient to discharge such Parishes: It is Enacted therefore, That it shall and may be lawful for the Church-wardens and Overseers for the Poor of such Parish, where any Bastard-Child shall be born, to take and seize so much of the Goods and Chattels, and to receive so much of the Annual Rents or Profits of such reputative Father, or lewd Mother, as shall be order'd by any Two Justices of Peace as aforesaid, for or towards the Discharge of the Parish, to be confirm'd at the Sessions, for the bringing up and providing of such Bastard-Child. And thereupon it shall be lawful for the Sessions to make an Order, for the Church-wardens or Overseers for the Poor of such Parish to dispose of the Goods by Sale or otherwise, or so much of them, for the Purposes aforesaid, as the Court shall think fit; and to receive the Rents and Profits, or so much of them as shall be order'd by the Sessions as aforesaid, of his or her Lands. If any Person shall be sued for any Matter or Thing which he shall do in Execution of this Act, he may plead the general Issue, and give the special Matter in Evidence; and if the Verdict pass for the Defendant, or Plaintiff be nonsuited, or discontinue his Suit, the Defendant shall recover treble Damages.*



## C H A P. X.

*Of Settlement by the Act of 14 Car. 2.  
Of Disturbance within Forty Days.  
Of Removal. Who are likely to be  
chargeable, or not. Of Security for  
saving the Parish harmless.*

**B**UT as to the Point of Settlement, some few  
of the former Resolutions are alter'd by the  
Statute of

14 Car. 2. cap. 12.

*Whereas by reason of some Defects in the Law, poor  
People are not restrain'd from going from one Parish  
to another, and therefore do endeavour to settle them-  
selves in those Parishes where there is the best Stock,  
the largest Commons or Wastes to build Cottages, and  
the most Woods for them to burn and destroy, and  
when they have consum'd it, then to another Parish,  
and at last become Rogues and Vagabonds, to the  
great Discouragement of Parishes to provide Stocks,  
where it is liable to be devour'd by Strangers. Be it  
Enacted therefore, That it shall and may be lawful,  
upon Complaint made by the Church-wardens and  
Overseers of the Poor of any Parish to any Justice  
of Peace, within Forty Days after any such  
Person or Persons coming so to settle as aforesaid, in  
any Tenement under the yearly Value of Ten Pounds,  
for any Two Justices of the Peace, whereof one to be of  
the Quorum, of the Division where any Person or  
Persons*

Persons that are likely to be chargeable to the Parish shall come to inhabit, by their Warrant to remove such Person or Persons to such Parish where he or they were last legally settl'd, either as a Native, Householder, Sojourner, Apprentice or Servant, for the Space of Forty Days at the least, unless he or they give sufficient Security for the Discharge of the said Parish, to be allow'd by the said Justices.

Provided, that all such Persons who think themselves aggriev'd by any such Judgment of the said Two Justices, may appeal to the Justices of the Peace of the said County at their next Quarter-Sessions, who are hereby requir'd to do them Justice according to the Merits of their Cause.

Provided also, that (this Act notwithstanding) it shall and may be lawful for any Person or Persons to go into any County, Parish or Place, to work in Time of Harvest, or at any Time to work at any other Work, so that he or they carry with him or them a Certificate from the Minister of the Parish, and one of the Churchwardens, and one of the Overseers for the Poor for the same Year, that he or they have a Dwelling-house, or a Place in which he or they inhabit, and hath left Wife and Children, or some of them there (or otherwise as the Conditions of the Persons shall require, and is declar'd an Inhabitant or Inhabitants there). And if he and they shall not return to the Place aforesaid when his or their Work is finish'd, or shall fall sick or impotent whilst he or they are in the same Work, it shall not be accounted a Settlement in the Cases abovesaid, but that it shall and may be lawful for Two Justices of the Peace to convey the said Person or Persons to the Place of his or their Habitation under the Penalties in this Act. And if such Persons shall refuse to go, or shall not remain in the Parish where they ought to be settl'd, any Two Justices of

*Peace where the Offence is committed, may send them to the House of Correction. And if the Church-wardens and Overseers refuse to receive such Persons into the Parish where they shall be remov'd, any Justice of Peace of that Division may bind any such Officer or Officers to the Assizes or Sessions, there to be indicted for his Contempt.*

*If any Person shall be su'd for any Matter or Thing which he shall do in Execution of this Act, he may plead the general Issue, and give the special Matter in Evidence: And if the Verdict pass for him, or the Plaintiff be nonsuit, or discontinue, he shall recover treble Damages.*

[Likely to be chargeable.] A Man dwelling in A. and having a Family, purchaseth Lands Bona Fide in B. under 10 l. per Annum, and comes to live in B. with his Family; it seems he is not removable by this Act, for he cannot be presum'd as likely to become chargeable.

So one that removes, and hath a good Trade or considerable Stock, is not within these Words, [likely to become chargeable.]

[Within Forty Days after any such Person, &c.]

Mr. Keeling pray'd the Opinion of the Court, whether Complaint to a Justice of Peace within Forty Days be such a Disturbance, as may hinder the Settlement of the Poor that is not actually by him remov'd within the Forty Days. The Court conceiv'd, if there be no Discontinuance in the Prosecution, the Complaint doth disturb the Settlement, but not a bare Complaint and Sleeping an Year after, but the Parish must prosecute; and if a Sessions intervene, it is a Default of

of Prosecution, and there must be a fresh Prosecution to remove, as well as complain. 2 *Keb.* 764, 769. *The King against Warwick. Vid. infra, Statute Will. and Mary.*

The Justices make a Warrant within Time, but by reason of Sicknes did not remove him till long after: And *per Cur.*, here being an Order, tho' the Body were not remov'd, it's a Prosecution within 14 *Car.* 2. c. 12. 3 *Keb.* 673.

The Parishioners of *St. Leonard Foster-Lane* gave *David Burgh* (who had a Wife and Five Children) 5 *l.* in Money to remove into another Parish, upon Condition, That if he return'd in Forty Days, he should repay the Money: He remov'd accordingly, and stay'd away by the Space of Forty Days: The Parish to which he remov'd obtain'd an Order upon an Appeal for his Settlement in the last Parish where he was lawfully an Inhabitant: Which Order being remov'd into *B. R.* and the Matter appearing thus upon *Affidavits*, they declar'd their Opinion only upon the Order to Remove, *viz.* That the Man had gain'd a Settlement in the Parish to which he remov'd, for he being an Inhabitant there for so long Time, as was then requir'd by Law to make a Settlement, and not disturb'd by the Officers, they were remiss in their Duty, and the Court would not help their Negligence. 3 *Mod. Rep.* 67.

Order at Sessions, and confirm'd by Judges of Assize, for settling of *P.* 7 Weeks as Servant of *B.* but his Dwelling mostly and often at *H.* and sometimes as an hir'd Servant at *B.* and it's not said he was Forty Days there, but the greatest Part of Seven Weeks, *Hales*; Bare Service or Journey-work is not sufficient for Settlement; and what is Settlement or not, is meer Fact and

uncertain, and the Court referr'd it back to the Judge of *Affize*; and they conceiv'd an Appeal may be hither, notwithstanding the Judge of *Affize's* Order, as on Bastardy. 3 *Keb.* 464. *The King and Brightwell.*

A Copyhold of 40 *s. per Annum* Value was left to B. a poor Man, for Life: *Per Cur'*, the Poor cannot be hindred to go to any Place where he hath an Estate of what Value soever. 3 *Keb.* 674. *Stanlock and Bampton.*

*Simile*, 10 *W.* 3. 1698. Upon an Order to remove a poor Fellow from R. to H. he having a Freehold of 4 *l. per Annum* at H. *Per Chief Justice*; Let a Man be settled where he will, we are all of Opinion, that Man may go and live where he has an Estate.

A Motion was to quash an Order made for the Maintenance of a Bastard-Child, when as it was born in lawful Wedlock, and the Husband was at *Cales.*

Exception, That it is said, that the Father was not there when the Child was begot or born, in the Disjunctive, which is ill, for he might be there at one of those Times: And he must be absent the whole Space of Time, both when the Child was begot, and when it was born.

Chief Justice; If the Child be not a Bastard, the Order is *ipso facto* void; 'tis out of their Jurisdiction, they must take Care that it be a Bastard. But the Order must be quash'd, for it must appear, that he was not here all the Space: If he was here either at the Begetting or Birth of the Child, it is sufficient. Let the reputed Father be bound over to appear here. *Alenfon vers. Spence*, *Trin.* 10 *W.* 3.

[*Unless he or they give Security for the Discharge of the Parish.*] It was a Case in *Michael. 14 Car. 2. 3. R. between Tavernour and Quatermaine.* Bond was given to save the Parish harmless from all Charges that may happen, by placing *A.* in a Cottage. Defendant pleads, *Non Damnificatus*: Plaintiff replies, They were damnify'd by placing such a Child in the said House; in being forc'd to provide Necessaries for him, by reason of a Rate set on the Inhabitants by the Major Part of the Justices and Overseers. Defendant demurs, for not shewing any the particular Inhabitants were tax'd or charg'd. *Per Cur.* It's needless, for by the Rule made, the Possibility that they may be charg'd, is a sufficient Damnification. It was also agreed, The Overseers by 43 *Eliza* may provide, and the Rate is to be set by them, and the Church-wardens afterwards, and confirm'd by the Justices: And by some, the alledging *H.* became poor, is a present Charge to the Parish, tho' no Rule be made; *Query* of that, for till he becomes chargeable, I cannot see an Action can lie against the Security. *Vide 1 Keb. 440.*

In Debt on Obligation, to save the Parish harmless of nursing a Bastard, and *Non Damnificatus* was pleaded by the Defendant; Plaintiff reply'd, that the Child was ready to starve, and the Parish laid out 4*s.* and so damnify'd: Defendant rejoins, he was always ready to keep the Child, and offer'd to keep it, and had tender'd to pay for it, and what was laid out was, *de injuria propria.* Plaintiff demurs, because it was a Departure, and *per Curiam* it is so; it should have been pleaded specially in Bar, and this is a sufficient Breach, tho' but small: It should have been.



been pleaded thus, That *non fuit Damnificatus* till such a Time, and that then you offer'd to take Care of the Child, and tender'd, &c. Judgment *pro Quer. Mod. Rep. p. 43. Richards and Hodges.*

*Note,* By Statute 1 *Jac. 2. c. 17.* The Forty Days intended for a Settlement, shall be accounted from the Time such Persons coming into a Parish deliver Notice in Writing of their Houses of Abode, and the Number of their Family, (if they have any) to one of the Church-wardens or Overseers of the Poor of the said Parish.

Reviv'd as to what relates to Settlements of the Poor, by 3 & 4 *W. & M. Sess. 3. Cap. 11.* See *Chap. 11.*

Continu'd per 4 & 5 *W. & M. Sess. 4. Cap. 24. §. 11.*

*Vide 3 Mod. Rep. 247. Mich. 3 Jac. in B. R. Rex vers. Inhabitantes de Malden:* Where, upon this Statute, it was alledg'd, that being tax'd to the Poor, would not amount to Notice; and the Council cited a stronger Case, which was, *viz.* That the Church-wardens of *Covent-Garden* certify'd under their Hands, that such a Person was an Inhabitant within their Parish; but because no Note was left with them pursuant to the Statute, notwithstanding such Certificate, he was held to be no Inhabitant within their Parish; and of that Opinion was all the Court. Yet this Case is otherwise reported by Sir *B. Shower, Rex vers. Payn, Pasc. 1 W. & M.* and that coming in publicly by taking a House, and being rated in the Pours Rates, &c. was sufficient Notice. *Vide Cap. prox.*

## C H A P. XI.

*Of the Act of Settlement made 3 & 4 W. & M. and how far the Law is alter'd thereby.*

NOW we are come to a Statute, whereby these Notices to be given, and being tax'd, &c. are fully declar'd; which is that of 3 & 4 W. & M. Cap. 11.

By which, the Act made 13 & 14 Car. 2. for the better Relief of the Poor; (except what relates to the Corporations therein mention'd) which was reviv'd and continu'd with Alterations, by an Act made in the first Year of the late King James II. shall be in Force from the First Day of March, 1691.

*It is also Enacted, That the Forty Days Continuance of a Person intended by the said Act to make a Settlement, shall be accounted from the Publication of a Notice in Writing, which he or she shall deliver of the House of his or her Abode, and Number of his or her Family, to the Church-warden or the Overseer of the Poor; which shall be read immediately after Divine Service, in the Church or Chapel of the Place, on the next Lord's-day, when there shall be Divine Service in the same: The Church-warden or Overseer to register such Notice in the Book, kept for the Poor's Accounts.*

*No Soldier, or any other Person in her Majesty's Service, shall have Settlement by Delivery and Publication*

lication of Notice, as aforesaid, unless they be dismiss'd the Service.

Church-wardens or Overseers refusing to read, or cause to be read, such Notice, as aforesaid, (upon Proof thereof by Two Witnesses upon Oath before a Justice of Peace) shall forfeit 40 s. to the Use of the Party griev'd, to be levy'd by Distress, and Sale of Goods, by Warrant of a Justice of Peace to the Constable; and for want of a Distress, shall be committed to Gaol for a Month: And if any Church-warden, or Overseer, shall neglect or refuse to register such Notice as aforesaid, they shall forfeit 40 s. to be levy'd as aforesaid; and for want of Distress, shall be committed as aforesaid.

If any Person coming to inhabit in any Town, or Parish, shall on his own Account execute any publick Annual Office or Charge in the same during a Year; or pay his Share towards the publick Taxes or Levies of such Town, &c. he shall be adjudg'd to have a legal Settlement, without Notice in Writing deliver'd, &c.

If any unmarried Person, not having Child or Children, shall be lawfully hir'd for a Year; such Service shall be deem'd a good Settlement without Notice, &c.

Being bound Apprentice, and inhabiting in a Town or Parish, shall be adjudg'd a good Settlement.

Persons aggriev'd by the Determination of any Justices of the Peace, may appeal to the next Quarter-Sessions, who shall finally determine the same.

If any Person be remov'd by Vertue of this Act from one Place to another, by Warrant of Two Justices of the Peace, the Church-wardens or Overseers of the Place to which he shall be remov'd shall receive him; and in case of Refusal, (upon Proof by Two Witnesses, upon Oath before a Justice of Peace of the County, Riding, &c. to which he shall be remov'd)

shall

shall forfeit 5 l. to the Use of the Poor of the Parish from which he shall be remov'd; to be levy'd by Distress and Sale of Goods, &c. by Warrant of a Justice of Peace of the County, &c. to which he shall be remov'd, to the Constable of the Place where such Offender dwells; and for want of a Distress, shall be committed to Gaol for Forty Days.

Persons aggriev'd by the Judgment of the said Two Justices, may appeal to the next General Quarter-Sessions of the Place, from which the said Person was remov'd.

There shall be kept in every Parish, at the Parish Charge, a Book or Books, wherein the Names of Persons receiving Collections shall be register'd, with the Time when they are first admitted to have Relief, and the Occasion of their Necessity: And Yearly in Easter Week, or oftner, the Parishioners shall meet and have such Books produc'd before them, and the Persons receiving Collections shall be call'd, and the Reasons of their taking Relief examin'd, and a new List be made and enter'd of such as they shall think fit to allow to receive Collection; and no other shall be allow'd to receive Collection, but by Authority under the Hand of a Justice of Peace residing in the Parish; and if there be none, in the Parts next adjoining, or by Order of the Justices of Peace in their Quarter-Sessions, except in Cases of Pestilential Diseases, Plague or Small-pox, in respect of Families infected only.

In all Actions to be brought in the Courts at Westminster, or at the Assizes, for Moneys mis-spent by the Church-wardens or Overseers, the Evidence of the Parishioners (other than such as receive Alms) of the Parish where the Defendants are Inhabitants, shall be taken and admitted.

Note,

*Note*, It was mov'd to quash an Order of Sessions, for that the only Ground of settling a poor Person in the Parish, appears upon the Order to have been, for that the Banns of Matrimony of the poor Person were publish'd in the Parish-Church, which is ill; for that the Notice given the Parish must not only be in Writing, but the other Ceremonies requir'd by the Statute of 3 & 4 W. & M. must be observ'd. And that Act being an Explanatory Act, cannot be taken by Equity.

And in the Case of the Inhabitants of *Dalbery* *vers.* the Inhabitants of *Tosson*. *Hill.* 8. W. 3. B. R.

A Man comes into a Parish and there keeps a Smith's Shop, and is employ'd in his Trade by a Justice of Peace, the Lord of the Manor, the Parson of the Parish, and several other Inhabitants; and the Question was, If this amounted to a Notice, and consequentially a good Settlement within the said Statute? And held *per tot Curiam*, That it was not a good Notice, and by Consequence no good Settlement: For that Statute is an explanatory Law, and the Direction thereof ought to be strictly pursu'd. And they cited a Case, *Mic. 7 Willielmi*, between the Parishes of *St. Nicholas* and *St. Hellen's* in *Abington*, where one coming into a Parish was rated to Parish Duties, but did not pay, and adjudg'd it was no Settlement, the Statute saying, [*Shall execute any Office or Charge, or pay his Share.*]

But *note*, in the Case of the Inhabitants of *Ipswich*, it was held, That where one was rated or assess'd towards the Land-Tax, it amounted to a Notice and Settlement within this Act, tho' the Statute only says, [*Taxes or Levies of such Town*

*Parish:]* For tho' this be no Parish-Tax, yet it is a Tax on such Town or Parish, and the Statute saying, [*Publick Taxes.*] And *Quere* the Case of the Inhabitants of *Grampound, Trin. Will.* A Man kept an Ale-house in the Parish where the Officers of the Parish us'd to meet to make up their Rates, &c. and the Court inclin'd, That this did amount to a Notice within this Statute.

*Observations on this last Act of Settlement, made in the Third and Fourth Year of William and Mary, Cap. II.*

This Act consists of Three Parts:

1. Supplemental and Explanatory of the Laws, as to Settlements.
2. Directive, as to the Poor being enter'd in to Pay and Relief, and who shall be so reliev'd, and how long.
3. Enabling the Parishioners to become Witnesses in a Suit, for Recovering of Money mispent by Church-wardens and Overseers.

[*Be it Enacted, That the Forty Days Continuance of such Person in a Parish or Town, intended by the said Acts to make a Settlement, &c.*] By the Statute of 14 Car. 2. c. 12. If Forty Days elaps'd, without Complaint to a Justice of Peace, and Disturbance, then it was a good Settlement: If the Disturbance was within Forty Days, tho' Prosecution was not till after, it's no good Settlement, (*Vide prim.*) Now in Two Cases, a Man by that Act ought not to have been disturb'd: 1. If he were not likely to be chargeable. 2. If he settl'd in any Tenement of the Yearly Value of 10l. Now I conceive, the Act of *William and Mary*



*Mary* doth not reach either of these Cases: The Words are, *Forty Days Continuance, intended by those Acts to make a Settlement.* Now by 14 Car. if a Man came to settle in a Tenement under 10*l. per Annum*, he might be disturb'd within Forty Days; if he were not, then it made a Settlement: But then if one took 10*l. per Annum*, he could not be disturb'd at all, and that I conceive to be a good Settlement, and there needs no publishing of Notice by this Act; for as those Acts did not extend to 10*l. per Annum*, so neither doth this. The Intention of all the Acts is plain; if the Parties were suffer'd to inhabit Forty Days without Disturbance, it's a Sign that the Parish was well pleas'd with their Continuance: But the Law of 14 Car. 2. was deficient, and did not answer the Ends; for many Persons would come and perhaps first creep into a Parish, and after bring in their Children as Inmates or Sojourner, in some blind Corner or other, and by the Aid of some Relations and Friends, might sculk without Disturbance for Forty Days, and so steal a Settlement.

This Act hath clench'd the Nail in that Point. By it, the Forty Days shall be accounted from the Publication of Notice in Writing, &c. This is sufficient Notice to a Parish, that so they may make Enquiry who they are, and what are their Circumstances, that come to live amongst them; if they find they are like to become chargeable, they have the same Liberty of Disturbance as before; but if the Church-warden and Overseers do not complain within Forty Days after such Notice, that makes a compleat Settlement.

The Removal must be as is appointed by the Statute 14 Car. 2. by the Warrant of Two Justices

Justices of Peace, whereof one to be of the *Quorum*. And yet by an After-clause of this Act, it seems to be by the Warrant of any Justices of the Peace: For in the Clause of receiving such as shall be remov'd, it saith, If any Person be remov'd by Vertue of this Act, by Warrant, and the Hands and Seals of Two Justices, the Churchwarden and Overseers, &c. *Vid. Postea*: But this is of Removal from one County to another. And by the said Act of 14 *Car. 2.* Those that give sufficient Security to save the Parish harmless, are not within this Act of *William and Mary*, but are become settl'd without any Publication of Notice.

If after Publication of this Notice there be a Disturbance, Whither must such Person be remov'd? To such Parish where he was last legally settl'd, either as a Native, Householder, Sojourner, Apprentice or Servant, for the Space of Forty Days at the least; the Place of Settlement now must be the Place which was a legal Settlement before this Act commenc'd, and this appears by 14 *Car. 2. cap. 12.*

Now that which the Law has alter'd chiefly by this Act is, that bare Inhabitancy without Disturbance shall not make a Settlement, as it was always heretofore; but Inhabitancy and Publication of Notice will, if no Disturbance be for Forty Days after the Publication. As to other Points, the Laws concerning the Poor stand as they did.

Now I conceive, six Sorts of Persons are not within this Act of *William and Mary*.

I. Those

1. Those that are not likely to become chargeable, and this by the Construction of 14 Car. 2. they need no Publication.

2. Such as shall give Security to save the Parish harmless, if they become poor; yet their Settlement is legal, and their Security must be sued.

3. Such as shall come into any Parish, and there for himself, and on his own Account, execute any publick annual Office or Charge in the said Town during one Year; as if he execute the Office of Bailiff, Constable, Overseer, Scavenger, &c. but he must not be hir'd to do it for another.

4. Such as are charg'd with, and pay their Shares to the publick Taxes or Levies of the Town or Parish where he is, shall be deem'd to have a legal Settlement, tho' no such Notice in Writing be publish'd.

5. An unmarried Person not having Child or Children, being lawfully hir'd into any Parish or Town for one Year, that makes a good Settlement; tho' there be no Notice in Writing. Observe, It is, *be hir'd* into any Parish, and saith not, live there; so that the bare Hiring for one Year seems to be a Settlement, and so the Law was taken formerly. *Vide prius.*

6. If any Person shall be bound Apprentice by Indentures, and inhabit any Town or Parish, such Binding and Inhabitation shall be adjudg'd a good Settlement without such Notice.

*First,* It must be by Indenture, or else it's no Settlement: And then it must be Binding and Inhabitation; bare Binding is not enough, as it seems it is in the Case of Hiring.

As to Notice. We may see,

1. Of what Notice is to be made, and that is, *of the House of his or her Abode, and the Number of his or her Family, if he or she have any.*

2. To whom it must be deliver'd, to the Church-warden or Overseer of the Poor; to One sufficeth.

3. How this Publication of Notice is to be made: 'It must be in Writing, and the Church-warden to cause it to be read publicly immediately after Divine Service, in the Parish-Church or Chapel of the said Town, on the next Lord's Day, when there shall be Divine Service for the same; and they are to register the said Notice in Writing in the Poor's Account-Book.

We have consider'd, that Six Sorts of Persons may have a legal Settlement, tho' there be no Notice of Publication.

Now there are some that shall not have a Settlement in a Town or Parish, tho' there be Delivery and Publication of such Notice in Writing.

'No Soldier, Seaman, Shipwright, or other Artificer or Workman employ'd in their Majesties Service, shall have a Settlement by such Publication, unless the same be after the Dismission of such Person out of their Majesties Service.

These Persons are sent upon peculiar publick Employes and Professions, and act not properly as private Men, and therefore their Inhabitaney in such a Case is not intended for a Settlement, no more than a Scholar at School, or at University; and as to that, the Law is as formerly, and Publi-

Publication in such Case shall not make a Settlement.

The Penalty for not causing the Notice in Writing to be read is plain, and how it is to be recover'd; it's 40 s. for every Offence, upon Proof by Two Witnesses before a Justice of Peace, to the Use of the Party griev'd; to be levy'd by Distress and Sale of the Offenders Goods, by Warrant under Seal of any one Justice in the Division, to be directed to the Constable, and for want of Distress, Imprisonment for one Month.

The like Penalty for not registering the 40 s. Forfeiture, for this Neglect is to the Use of the Poor.

Now if any Person shall find himself aggrieved by any Determination, which any Justice or Justices shall make in any the Cases abovesaid, the said Person may appeal to the next General *Quarter-Sessions*, who upon full Hearing shall have full Power to determine the same.

So that as to the Cases abovesaid, no further Publication need to be made to the Judges of Assize. *Q. de hoc.*

We have seen how and in what Cases Persons may be remov'd; the next Clause is, How they are to be receiv'd, in case Removal be from one County to another.

' If any Person be remov'd by Vertue of this Act, from one County, Riding, City, Town Corporate or Liberty, to another, by Warrant under the Hands and Seals of Two Justices, the Church-wardens and Overseers of the Poor of the Parish to which the Removal is, shall receive the said Person, and upon Refusal to receive, shall forfeit the Sum of 5 l. to the Use of the Poor of the Parish from which the Removal

‘ was, to be levy’d by Distress and Sale of the  
‘ Offender’s Goods, by Warrant under Hand and  
‘ Seal of any Justice of the Peace of the County,  
‘ &c. to which such Person was remov’d to  
‘ the Constable of the Parish where such Offender  
‘ dwells : And for want of sufficient Distress, to  
‘ be by him committed to Prison for Forty Days.

This is in case of Removal from one County  
or Jurisdiction to another, for the Justices of  
Peace of one County cannot properly send their  
Warrants into another County, &c. therefore this  
Act impowers them to make such Warrants.

But if any Person be aggriev’d with any such  
Judgment of the Two Justices, he may appeal to  
the next General *Quarter-Sessions* of the Peace to  
be held for the County, City, &c. from which  
the Party was so remov’d.

The next General Part of this Act, of the Poor’s  
being enter’d into Pay, and how long they shall  
continue so:

It’s Enacted, ‘ That a Book shall be in every  
‘ Parish, and in it shall be set down the Names  
‘ of such as receive Collection, with the Day and  
‘ Year when they were first admitted to have Re-  
‘ lief, and the Occasion which brought them un-  
‘ der that Necessity. And yearly in *Easter Week*  
‘ the Parishioners shall meet, and all Persons re-  
‘ ceiving Collections shall be call’d over, and a  
‘ new List made as they shall think fit to allow  
‘ Collection to; and that no other Person shall have  
‘ Collection, but by Authority under the Hand  
‘ of one Justice in the Parish, or near adjacent,  
‘ or by Order of Sessions, except in case of Plague  
‘ or Small-pox.

The Last Part is, ‘ That upon Suit for Reco-  
‘ very of any Moneys mis-spent, or taken by  
‘ Church-



‘ Church-wardens or Overseers, the Evidence of  
 ‘ the Parishioner (except such as receive Alms, or  
 ‘ any Pension out of such Collections) shall be  
 ‘ admitted in all Courts of Record at *Westminster*,  
 ‘ or at the Assizes.

*Note*, By the Statute 8 & 9 Will. 3. c. 30. it is  
 Enacted, ‘ That no unmarried Person, not having  
 ‘ Child or Children, lawfully hir’d into any Pa-  
 ‘ rish or Town for a Year, shall be deem’d to  
 ‘ have a good Settlement in such a Parish, un-  
 ‘ less he continue in the same Service during one  
 ‘ whole Year.

And by the same Statute, ‘ If any Person, who  
 ‘ shall come to any Parish or other Place to in-  
 ‘ habit, shall at the same Time deliver to any of  
 ‘ the Church-wardens or Overseers of the Poor of  
 ‘ the Place where he comes, a Certificate under  
 ‘ the Hands and Seals of the Church-wardens or  
 ‘ Overseers of the Poor of any other Parish or  
 ‘ Place, attested by Two or more Witnesses,  
 ‘ thereby owning the Person nam’d in the said  
 ‘ Certificate to be an Inhabitant legally settl’d in  
 ‘ that Parish or Place; such a Certificate having  
 ‘ been allow’d or subscrib’d by Two Justices of  
 ‘ the Peace of the County, City or Borough  
 ‘ from whence it comes, shall oblige the said Pa-  
 ‘ rish or Place to receive and provide for the Per-  
 ‘ son mention’d in the Certificate with his Fa-  
 ‘ mily as Inhabitants, whenever the Party shall  
 ‘ happen to become chargeable to the Place, to  
 ‘ which such Certificate was given; and there-  
 ‘ and not before, it shall be lawful for such Per-  
 ‘ son and his Children (tho’ born in that Parish)  
 ‘ not having otherwise acquir’d a legal Settle-  
 ‘ ment, to be remov’d to the Place from whence  
 ‘ such a Certificate was brought.

Now for the better explaining of this Clause about the Certificate, by Statute 9 & 10 W. 3. c. 11. it was Enacted, ' That such Persons as shall ' come into any Parish or Place to inhabit, should ' at the same Time deliver to the Church-wardens ' or Overseers of the Poor there, a Certificate, as ' by the Act is directed : But it is declar'd, That no Persons that shall come into any Parish by any such Certificate, shall be adjudg'd by any Act whatsoever, to have procur'd a legal Settlement in such a Parish, unless such Persons shall *Bona fide* take a Lease of a Tenement of 10 l. per *Annum*, or shall be legally plac'd in, and execute some Annual Office in such a Parish. *Vide* 3 *Mod. Rep.* 247, &c. That where, upon such a Certificate from a Parish, he was held to be no Inhabitant within their Parish, because no Notice was left with them, pursuant to the Statute.

By the aforesaid Statute 8 & 9 W. 3. the Appeal against an Order for Removal of any poor Person, shall be had at the Quarter-Sessions of the County or Division, wherein the Parish or Place from whence such a Person shall be remov'd doth lie, and not elsewhere; but the Liberty of St. *Albans* is excepted out of this Act as to an Appeal.

Also Justices of Peace at their Quarter-Sessions, upon any Appeal concerning the Settlement of any poor Person, or upon Notice given of an Appeal, (tho' the Appeal be not afterwards prosecuted) shall award to the Party for whom such Appeal shall be determin'd, or to whom Notice had been given, such Costs and Charges as they shall think reasonable: And if the Person order'd to pay such Costs shall live out of the Jurisdiction, any such Justice of the Peace where such

Person shall inhabit, may and shall upon Request, and upon a true Copy of the Order produc'd, and prov'd upon Oath, cause the Money mention'd in such Order to be levy'd by Distress, and in case no Goods can be found, to commit the Person to Prison for Twenty Days.

And by this Statute, every Person that receives Relief, shall wear a Badge, a *Roman* (P) upon the Right Shoulder of their upper Garment. The Person refusing or neglecting to wear such a Badge, to have the Relief withdrawn: And that if any Church-warden or Overseer of the Poor shall relieve any such poor Person not wearing such a Badge, shall forfeit 20 s. for every Offence.

Where the Justices of Peace said in their Order, That they were credibly inform'd that such a Place was the last legal Settlement; said to be ill, for they ought to have averr'd it expressly, for otherwise they don't pursue the Statute, which saith, That the Party must be remov'd to the last Place of legal Settlement.

It was alledg'd on the other Side, That [credibly inform'd] doth suppose that it might be upon Oath or otherwise. *Ch. Justice*; We will intend nothing but what appears in the Order it self. *Hill. 8 IV. 3. Parish of Sanbridge's Case.*

An Exception was taken to an Order for settling a poor Man, That he did not rent an House of 10 l. per Annum. *Ch. Justice*; That most of the Orders since 13 Car. 2. have been so; and tho' it might have been better, if it had been added, That he was likely to become chargeable to the Parish; yet since the Precedents have been so, we will not alter it.

But then another Exception was, That 'tis not said in the Order, there was a Complaint made  
by

by the Church-wardens. It is fatal, for the Justices of Peace cannot remove a Man without it: And tho' it is said here, that Complaint was made; yet since it is not said by the Inhabitants or Church-wardens of the Parish, it is ill: Let the Order be quash'd, *Mich. 7 W. 3. in B. R. Rex adv. Inhabit. de Marlborow.*

## C H A P. XII.

*Of Rogues and Vagrants. Who shall be accounted such. Of their Punishment, Settlement, and several Cases and Resolutions thereupon.*

**B**Y Statute 39 Eliz. c. 4. whereby the former Laws concerning Vagabonds or Rogues, and Houses of Correction are repeal'd. *All Persons calling themselves Scholars going about begging; All Seafaring Men pretending Losses of their Ships or Goods on the Sea, going about the Country begging; All idle Persons going about in any Country, either begging, or using any subtil Craft, or unlawful Games or Plays, or fancying themselves to have Knowledge in Physiognomy, Palmistry, or other like crafty Science, or pretending that they can tell Destinies, Fortunes, or such other like Phantastical Imaginations; All Persons that be, or utter themselves to be, Proctors, Procurers, Patent-gatherers, or Collectors for Gaols, Prisons or Hospitals; All Fencers, Barwards, common Players of Enterludes, [other than those belonging to any Baron of this Realm, or any other honourable Personage of greater Degree, to be autho-*

riz'd to play under the Hand and Seal of Arms of such Baron or Personage;] All Jugglers, Tinkers, Pedlars, and Petty-Chapmen, wandering Abroad; All wandering Persons, and common Labourers, being Persons able in Body, using Loitering, and refusing to work for such reasonable Wages as is tax'd, or commonly given in such Parts, where such Persons do or shall happen to dwell or abide, not having Living otherwise to maintain themselves; All Persons deliver'd out of Gaols that beg for their Fees, or otherwise do travel begging; All such Persons as shall wander abroad begging, pretending Losses by Fire, or otherwise; and, All such Persons not being Felons, wandering and pretending themselves to be Egyptians, or wandering in the Habit, Form or Attire of Counterfeit Egyptians; shall be taken, adjudg'd, and deem'd Rogues, Vagabonds, and sturdy Beggars.

Note, By Statute of 1 Jac. c. 7. it's Enacted, That no Authority to be given or made by any Baron of this Realm, or any other honourable Personage of greater Degree, unto any other Person or Persons, shall be available to free or discharge the said Persons, or any of them, from the Pains or Punishment of the said Statute. And in the said Statute 1 Jac. c. 7. it is Enacted, That all Person and Persons as shall wander up and down the Country to sell Glasses, shall be adjudg'd, deem'd and taken, as Rogues and Vagabonds.

The Word Rogue comes from the Hebrew רוג' Roage, or because *ostiatim Rogat*, which is all one; for I question not but the Latin, as well as English Word, Rogo and Rogue, comes from the Hebrew Original, as it is in many others. *Mendicus quasi Manus dicens*, (speaking with the Hand,) *mos enim erat apud Antiquos Egenum silentio Manum*

*Manum extendere*; a silent, and oftentimes a most successful Way of Begging.

But a Rogue in our Law signifies an idle Beggar, that wanders from Place to Place without lawful Passport; and yet Vagabond signifies, any who wandereth about idly and loitering; and is a Rogue, tho' he beggeth not. *Vide infra*.

Now the Persons which are accounted Rogues in our Law, and shall be punish'd as such, are these, if they be above the Age of Seven Years :

1. All Persons above the Age of Seven Years going about begging, upon any Pretence or Colour whatsoever, *i. e.* out of their own Parish, tho' they be licens'd by any Subject, except in the Cases hereafter mention'd.

2. Fortune-Tellers, Jugglers, Wandering Gamesters.

3. Proctors, Patent-gatherers, or Collectors for Gaols, Prisons, &c. wandering abroad.

4. Fencers, Bearwards, common Players of Enterludes (1 *Jac.* 7.) wandering, 21 *Jac.* c. 28.

5. All Pedlars, Petty-Chapmen, Tinkers and Glas-men, *per Statute* 21 *Jac.* 28. wandering abroad, especially if they be unknown, or have not a sufficient Testimonial. And tho' a Man have a certain Habitation, yet if he goes about from Place to Place selling small Wares, he is punishable by the 39 *Eliz.* and that altho' he be not taken wandering: For it is the Wandering it self, and not the being apprehended wandering, that brings him within the Punishment of that Statute. *Rolls* 14. 2 *Rep.* 172. *King against Hollingsworth*.

6. Wandering Persons, and common Labourers, and being able and refuse to work for reasonable Wages. But if they wander not



abroad, they are not to be sent to their Place of Birth or last Dwelling, but to the House of Correction.

7. Poor Persons appointed to ask Relief in the Parish where they dwell, by the Overseers thereof: If they shall beg in the Highways, tho' in their own Parish, *Lamb.* 427. yet they are not to be sent but to the House of Correction. *Vide Post.* 179.

8. All Persons wandering, and pretending themselves to be *Egyptians*.

9. Soldiers or Mariners that shall beg (except as *infra*), or shall counterfeit any Certificate from their General, Captain, Admiral, &c. And in many Cases they are Felons.

10. Poor, diseased or impotent Persons that travel to the *Bath* (tho' they are licens'd), yet if they beg, or if they are not licens'd by Two Justices, or shall not return again according as they are limited by the said Licence, shall be punish'd as Rogues, 39 *Eliz.* 4.

11. A Rogue that hath a Testimonial, if thro' his or her Default they do not pursue the Order appointed by the said Testimonial, they are *toties quoties* to be whip'd as Rogues.

12. A Rogue that shall carry his own Passport without a Guide, for they are to be sent, *i. e.* convey'd, from Parish to Parish. *Resol.* 11.

13. Servants departing out of Service (*i. e.* forth of one City, Town, Parish, Hundred or County, into another) without a Testimonial, &c. or which shall be taken with any forg'd Testimonial, shall be whip'd as Vagabonds, 5 *Eliz.* 4.

14. Persons infected, or dwelling in any House infected with the Plague, that contrary to the  
Com-

Command of any Officer shall go abroad and converse, &c. 1 Jac. 11.

15. So all Persons that run away from their Families, or threaten to run away, *vide de hoc plus infra.*

16. Any that pretends Loss by Fire, and wandering beggeth. *Lamb. p. 443.*

Having seen who are Rogues and Vagabonds; let us see how the Law disposeth them as to Settlement.

In the said Statute 39 Eliz. c. 4. it is Enacted;  
 ' That every Person which is by this present Act  
 ' declar'd to be a Rogue, Vagabond, or sturdy  
 ' Beggar, which shall be at any Time taken  
 ' begging, vagrant, wandering, or misordering  
 ' themselves in any Part of this Realm, or the  
 ' Dominions of *Wales*, shall upon their Appre-  
 ' hension, by the Appointment of any Justice of  
 ' Peace, Constable, Headborough, or Tything-  
 ' man of the same County, Hundred, Parish or  
 ' Tything, where such Person shall be taken,  
 ' the Tything-man or Headborough being there-  
 ' in assisted, with the Advice of the Minister and  
 ' one other of that Parish, shall be strip'd naked  
 ' from the Middle upward, and shall be openly  
 ' whip'd, till his or her Body be bloody; and  
 ' shall be forthwith sent from Parish to Parish,  
 ' by the Officers of every the same, the next  
 ' straight Way to the Parish where he was born,  
 ' if the same may be known by the Parties Con-  
 ' fession, or otherwise; and if the same be not  
 ' known, then to the Parish where he or she last  
 ' dwelt before the same Punishment, by the Space  
 ' of One whole Year, there to put him or her  
 ' self to labour, as a true Subject ought to do; or  
 ' not being known where he or she was born, or

' last dwelt, then to the Parish thro' which he or  
 ' she last pass'd without Punishment : After  
 ' which Whipping, the same Person shall have a  
 ' Testimonial subscrib'd with the Hand and Seal  
 ' of the same Justice of Peace, Constable, Head-  
 ' borough, or Tything-man, and of the Minister  
 ' of the same Parish, or of any Two of them,  
 ' testifying, That the same Person hath been pu-  
 ' nish'd according to this Act; and mentioning  
 ' the Day and Place of his or her Punishment,  
 ' and the Place whereunto such Person is limited  
 ' to go, and by what Time the said Person is li-  
 ' mited to pass thither at his Peril : And if the  
 ' said Person thro' his or her Default do not ac-  
 ' complish the Order appointed by the said Testi-  
 ' monial, then to be estsoons taken and whip'd;  
 ' and so as often as any Default shall be found  
 ' in him or her, contrary to the Form of this  
 ' Statute, in every Place to be whip'd, till such  
 ' Person be repair'd to the Place limited. The  
 ' Substance of which Testimonial shall be re-  
 ' gister'd by the Minister of that Parish, in a Book  
 ' to be provided for that Purpose, upon Pain to  
 ' forfeit 5 s. for every Default thereof; and the  
 ' Party whip'd, and not known where he or she  
 ' was born, or last dwelt by the Space of an  
 ' Year, shall by the Officer of the said Village,  
 ' where he or she so last pass'd thro' without Pu-  
 ' nishment, be convey'd to the House of Cor-  
 ' rection, &c.

2 *Bulst. p. 357.* Rogues are not to be sent to the  
 House of Correction, (except in the Case above-  
 mention'd) but by Passes to the Place of their  
 Birth. And altho' it shall appear a Person was  
 an Inhabitant a long while in another Parish,  
 and there became impotent by any Mischance in  
 Labour,

Labour, and then beg; yet he shall be sent to the Place of his Birth, as it was resolv'd by Sir *William Jones* at *Worcester Lent Assizes*, 14 Car. 1. in *Chappel's Case*.

*Note*, Rogues may not be sent by a general Passport, but from Parish to Parish.

If a Man and his Wife be Roguing, and they have an House in another Parish, it's said they may be sent thither: *Quere*, for it must be then, after they be sent to the Place of their Birth.

By *Holt*, Chief Justice, *Trin. 8 W. 3. Rex vers. Inhabit. Luckenden*. The Statute of Vagrancy is the 29 Eliz. by which the Vagrant is to be sent to the Place of his Birth, if known, or else to the Parish where he was last settl'd. Now if a Vagrant is remov'd by the Justices to the Place he was born, whether they can't send him from thence to the Place he was last settl'd since his Birth? And I think they may do it by the Statute 1 Jac. 1. c. 7. (tho' not before,) tho' I believe the Justices don't practise it so. *Adjornat.*

*Note*, No Child under the Age of Seven Years shall be adjudg'd a Rogue within the Statute 39 Eliz. c. 4. But such Children being vagrant, must be sent to, and plac'd with the Father; and if he be dead, then with the Mother where she was born, or last dwelt by the Space of One Year: And such Children once thus settl'd or plac'd, must there remain, and not be sent thence to the Place of their Birth; altho' after the Parents die, or run away, or that the said Children grow above Seven Years of Age.

One *D. Clavely*, with a Child under Seven Years of Age, wander'd to the Village of *Arley*, in

*Com. Wig.* and there desir'd a Warrant to be convey'd to *E.* in *Com. Staff.* where she had some Friends, and where the Child was born; upon this, the Constable of *Arley* made her a Pass to convey her to *E.* and deliver'd her to the Constable of *R.* and he to *B.* where the Mother died. The Question was at *Stafford Assizes*, Where the Child should be sent; whither the Parish where the Mother died, or the Parish where the Child was born? *Per Sir William Jones*, and *Sir James Whitlock*, they were order'd to be sent to the several Parishes where they were born, and so they were sent: For a Child under Seven Years of Age shall not be a Vagabond, 2 *Bulst.* 351.

*Eliz. B.* being a Wanderer, with Three Children born in Three several Parishes, came with them to *D.* in *Com. Wig.* to her Sister, where she died, the Three Children being there left. *Per Jones* and *Whitlock*, the Children ought to be kept and provided for by the several Parishes where they were born, and not in the Parish where the Mother died. in *Transit.* 2 *Bulst.* 351. And accordingly an Order was made and sign'd by them, and the same deliver'd to the Clerk of Assizes, to deliver the same to the Parties.

The Rogue whose last Place of Birth, or last Dwelling cannot be known, having Wife, and Children under Seven Years of Age, they must be sent with the Husband to the Place where they were last wilfully suffer'd to pass without Punishment; where the Children must be reliev'd by the Work of the Parents, tho' the Parents be committed to the House of Correction.

A Rogue is taken at *D.* and will not confess the Place of his Birth; but he confesseth his last Dwelling was at *S.* whereupon he is whip'd and sent

sent to *S.* and coming to *S.* his Place of Birth was learnt to be at *W.* In this Case, the Rogue is to be sent to the Place of his Birth, without any new Vagrancy: For his Settling at *S.* was no legal Settling. *Resol.* 27.

The Wife being a vagrant Rogue, must be sent to her Husband, tho' he be but a Servant in another Town. *Resol.* 3.

If the Husband or Wife have an House, (tho' as an Inmate) and either of them rogue about, they are to be sent to the Town where that House is. *Resol.* 5.

No Man is to be put out of the Town where he dwelleth, nor to be sent to his Place of Birth or Habitation, but only a vagrant Rogue, such as wander abroad in the Country, and not such as are vagrant, and beg in the same Town where they dwell. *Resol.* 6.



## C H A P. XIII.

*Of Houses of Correction. Who to be sent thither. Of the Governours. Of general Privy-Search. The Governours Accounts. Of the Statute 39 Eliz. Commission under the Great Seal of England, to enquire of what Moneys have been given toward erecting of Houses of Correction or Stocks.*

**BY** the Statute of 39 Eliz. c. 4. 'It is Enacted,  
' That it shall and may be lawful to and for  
' the Justices of the Peace of any County or City  
' in this Realm, or the Dominion of Wales,  
' assembl'd at any *Quarter-Sessions* of the Peace  
' within the same County, City, Borough or  
' Town Corporate, or the Major Part of them,  
' to make and set down Orders to erect, and to  
' cause to be erected, one or more Houses of Cor-  
' rection within their severall Counties or Cities,  
' for the doing and performing whereof, and for  
' the providing of Stocks of Money, and all  
' other Things necessary for the same, and for  
' raising and governing of the same, and for the  
' Correction and Punishment of Offenders thi-  
' ther to be committed, such Orders as the said  
' Justices, or the Major Part of them shall from  
' Time to Time take, reform, or set down in any  
' their said *Quarter-Sessions* in that Behalf, shall  
' be

be of Force, and be duly perform'd, and put in Execution.

This Part of the Act is made perpetual.

Observe, These Houses of Correction are call'd Work-houses.

The next Branch is, That an House of Correction shall be provided in every Shire to set idle Persons to work: But because it's more fully mention'd in 7 *Jac.* c. 4. I shall recite the Second Branch of that Statute.

' And be it farther Enacted and Establish'd by  
' the Authority aforesaid, That before the Feast  
' of St. *Michael* the Archangel, which shall be in  
' the Year of our Lord God 1611, there shall be  
' erected, built, or otherwise provided within  
' every County of this Realm of *England* and  
' *Wales*, where there is not one House of Cor-  
' rection already built, purchas'd, provided or  
' continu'd, one or more fit or convenient House  
' or Houses of Correction, with convenient Back-  
' side thereto adjoining, together with Mills,  
' Turns, Cards, and such like necessary Imple-  
' ments to set the said Rogues, or other idle Per-  
' sons at work. The same Houses to be built,  
' erected or provided, in some convenient Place  
' or Town in every County; which Houses shall  
' be purchas'd, convey'd or assur'd unto such  
' Person or Persons, as by the Justices of Peace,  
' or the Major Part of them, in their *Quarter-*  
' *Sessions* of the Peace, to be holden within every  
' County of this Realm of *England* and *Wales*,  
' upon Trust, to the Intent the same shall be  
' us'd or employ'd for the keeping, correcting,  
' and

‘ and setting to work of the said Rogues, Vagabonds or sturdy Beggars, and other idle and disorderly Persons.

*Note*, This Clause being in the Affirmative, taketh not away the Perpetuity of the Act of the 39th of *Eliz.* So that Justices of the Peace in Cities and Corporations, may erect Houses of Correction within their Precincts.

You may see, the Use of these Houses of Correction is Twofold : 1. To correct and set to work Rogues and Vagrants. 2. To set to work idle and disorderly Persons, which are not Rogues within the Statute: As for Rogues being corrected, *vid.* Chap. Rogues, *ut supra*, *Which Houses shall be purchas'd, convey'd or assur'd.* This may be done by Authority of the Act, without Licence or Offence of any former Law, and this may be incorporated by the Statute 39 *Eliz.* cap. 5. *Coke* 2 Instit. p. 730.

[*The said Rogues, Vagabonds or sturdy Beggars, and other idle and disorderly Persons.*] Amongst the Resolutions of the Judges, it was resolv'd, That such Persons as be of any Parish, and have able Bodies to work, and be no Wanderers abroad out of any Parish, tho' they refuse to work at such Wages as are tax'd (or commonly given) in those Parts, are notwithstanding not to be sent to their Place of Birth, or last Dwelling by the Space of an Year, but to the House of Correction, upon Consideration of both the Statutes of Poor and Rogues, 39 *Eliz.* But if they that have any lawful Means to live by, tho' they be of able Bodies and refuse to work, yet are they not to be sent to the House of Correction. But by this Statute 7 *Jac.* enacted long after the said

Reso-

Resolutions, Tho' they have lawful Means to live by, yet if they be idle and disorderly Persons, the Justices of Peace may commit them to the House of Correction; and their *Mittimus* to the House of Correction may be more safely upon this Statute, *Quia otiosa & inordinata Persona*, or *otiosa* or *inordinata Persona*, than upon the Statute of 39 Eliz. Coke 2 Instit. 730.

All single Persons under the Age of Thirty, being warn'd by Two Justices of the Peace, to put themselves into Service by a Day prescrib'd them; if they do not accordingly, but shall continue living out of Service, not having visible Means of their own to maintain them, they are to be sent to the House of Correction, or bound over, &c. Dalt. 150. Co. Lit. 17.

The next Branch is, The Penalty of 5 *l.* to be laid upon every Justice of Peace within the County, if the House of Correction be not provided before the Feast of St. *Michael* the Archangel, 1611.

The Fourth Branch is, 'And be it further  
' Enacted by the Authority aforesaid, That the  
' Justices of Peace of every County within the  
' Realm of *England* and *Wales*, at their *Quarter-*  
' *Sessions* of the Peace to be holden for their se-  
' veral Counties, (next after the providing,  
' erecting, or building of the said House or Hou-  
' ses, and so from Time to Time,) or the most  
' Part of them, shall elect, nominate and ap-  
' point, at their Will and Pleasure, one or more  
' honest fit Person or Persons to be Governour,  
' or Master of the said House or Houses so to be  
' purchas'd, erected, built or provided: Which  
' Person

' Person or Persons, so chosen by Vertue of this  
 ' present Act, shall have Power and Authority  
 ' to set such Rogues, Vagabonds, idle and dis-  
 ' orderly Persons, as shall be brought or sent un-  
 ' to the said House to work and labour (being  
 ' able) from Time to Time, for such Time as  
 ' they shall continue and be remaining in the  
 ' said House of Correction, and to punish the  
 ' said Rogues, Vagabonds, idle and disorderly  
 ' Persons, by putting Fetters or Givies upon them,  
 ' and by moderate whipping of them; and that  
 ' the said Rogues, Vagabonds, and idle Persons,  
 ' during such Time as they shall continue and  
 ' remain in the said House of Correction, shall in  
 ' no Sort be chargeable to the Country for any  
 ' Allowance, either at their bringing in or going  
 ' forth, or during the Time of their Abode there,  
 ' but shall have such and so much Allowance as  
 ' they shall deserve by their own Labour and  
 ' Work.

The Master hath his Designation by the Ju-  
 stices; but his Authority to punish and set at  
 Work by the Parliament.

*Note,* The Master hath Power to punish idle  
 and disorderly Persons, by Fettering or Whip-  
 ping them, tho' they are not Rogues.

These Rogues and idle disorderly Persons shall  
 not be chargeable to the Country, but shall have  
 such Allowances as they shall deserve by their  
 own Labour and Work. Put Case that such  
 Rogue or idle Person fall sick, common Charity  
 will suppose he must have Relief, and in such  
 Case the Relief may well be out of the County  
 Stock, or by a Recommendation of the Case by  
 the

the neighbouring Justices, to such as are charitably dispos'd.

The Fifth Branch. ' And be it further Enacted, That the said Justices of the Peace of every County within every of their several Divisions twice in every Year at the least, and oftner if there be Occasion, shall assemble and meet together for the better Execution of this Statute; and that some Four or Five Days before their Assembly and Meeting, the said Justices, or the Major Part of them, shall by their Warrant command the Constable or Tything-Men of every Hundred, Town, Parish, Village and Hamlet within their said several Divisions, which shall be assisted with sufficient Men of the said Places, to make a general Privy Search in one Night within their said Hundreds, Towns, Villages and Hamlets, for the finding out and apprehending of the said Rogues, Vagabonds, wandering and idle Persons, and that such Rogues, Vagabonds, wandering and idle Persons, as they shall then find and apprehend in the said Search, shall by them be brought before the said Justices at their said Assembly or Meeting, there to be examin'd by their idle and wandering Life, there to be punish'd, or otherwise by their Warrant to be sent or convey'd unto the said House or Houses of Correction, within the said County appointed and prefix'd, there to be deliver'd unto the Master or Governor of the said House, or to his Deputy or Assignee, to be set to Labour and Work; at which Days and Times of Assembly or Meeting so to be held by the said Justices of Peace, the Constables and Tything-Men of every Hundred, Parish,



Parish, Town, Village and Hamlet, shall then appear in every their several Divisions before the said Justices of Peace, at the said Assemblies or Meetings, and there shall give Account and Reckoning, upon Oath in Writing, and under the Hands of the Minister of every Parish, what Rogues, Vagabonds, and wandering and disorderly Persons, they have apprehended, both in the same Search, and also between such Assemblies and Meetings, and how many have been by them punish'd, or otherwise sent unto the Houses of Correction: Which if the said Constables or Tything-Men shall neglect to perform, as also safely to convey all such Rogues, with all other idle or disorderly Persons, at the Charge of the Hundred, as by the Justices of Peace Warrants shall be sent unto the Houses of Correction in the same County, that then they shall forfeit such further Fines, Pains and Penalties, as by the said Justices of Peace, or the most Part of them, shall be thought fit and convenient, not exceeding the Sum of 40 s. for every Offence.

In this Branch, the Justices within their several Divisions twice in every Year, and oftner (if Occasion be) shall assemble and meet together, &c.

*Search* to be in one Night; but they have no Power to break open Doors to search.

*Other idle or disorderly Persons.* Vide prius.

The sixth Branch, as it is abbreviated. The Governors of the Houses of Correction shall have such a Sum of Money yearly, as shall be thought meet by the more Part of the Justices of Peace within the said County at the *Quarter-Sessions* of the Peace; the same to be paid quarterly

erly beforehand by the Treasurers appointed by the Statute of 43 Eliz. cap. 2. the Governors giving Security for the Continuance and Performance of their said Service; which if the said Treasurer shall neglect or refuse to perform, then the said Master or Governor shall have Authority by this present Act to levy the same, or so much thereof as shall be unpaid, upon the said Treasurer's Account, in such Manner and Form as by the said Statute they the said Treasurers are appointed and authorized to levy the weekly sum, or Payment being to them unpaid: And by that Statute, it is by Distress and Sale of Goods, rendring to the Party the Overplus.

The seventh Branch is, Concerning committing of lewd Women having Bastards, &c. to the House of Correction, which shall be explain'd in the Chapter of *Bastards*.

The eighth Branch is, Concerning committing of Persons that do run away, or threaten to run away, and leave their Families, &c. which shall be explain'd under the Title of *Incorrigible Rogues*.

The ninth Branch. And because there shall be the more Care by all such Masters of the Houses of Correction, that when the Country hath been at Trouble and Charge to bring all such disorderly Persons as aforesaid to their safe Keepings, that then they shall perform their Duties in that Behalf: It is therefore enacted, That if they shall not every Quarter-Sessions send a true and lawful Account unto the Justices of Peace of all such Persons as have been committed to their Custody; or if the said Persons committed to their Custody, or any of them, shall be troublesome

to the Country by going abroad, or otherwise shall escape away from the said House of Correction, before they shall be from thence lawfully deliver'd; that then the said Justices shall set down such Fines and Penalties upon the said Masters, as the most Part of them in their Quarter-Sessions shall think fit and convenient, and all Fines and Penalties not herein before limited shall be paid unto the Treasurer, and accounted for by the Treasurer aforesaid.

This Act is continued by 3 Car. 1. 4.

By Treasurer, they mean Treasurer of the County Stock.

This needs no further Explanation.

By the Statute 39 Eliz. c. 4. it is enacted, That the Lord Chancellor or Keeper of the Great Seal of England, for the Time being, shall and may at all Times hereafter, without further Warrant, make and direct Commission or Commissions under the Great Seal of England to any Person or Persons, giving them, or some of them, thereby Authority, as well by the Oaths of good and lawful Men, as of Witnesses, or Examination of Parties, or by any other lawful Ways or Means whatsoever, to enquire what Sums of Money or other Things have been or shall be collected or gather'd for or towards the Erection of any Houses of Correction, or any Stocks, or other Things to set Poor on work, or for the Maintenance thereof, at any Time after the 17th Day of November, in the 18th Year of Queen Elizabeth, and by whom the same were or shall be collected or gather'd, and to whose Hands come, and to what Use, and by whose Direction the same was or shall be employ'd: And to call all and every such Person and Persons, and their Sureties,

Sureties, and every of their Executors or Administrators, to an Account, and to compel them, and every of them, by Attachment of their Goods or Bodies, to appear before them for the same, and to hear and determine the same, and to levy such Money and Things as they shall find not to have been duly employ'd upon the said Houses of Correction or Stocks, or upon other like Uses, having in such other like Uses Respect of Things past by the said Commissioners to be allow'd of, either by Distress and Sale of the Goods and Chattels of such Persons as they shall think fit to be chargeable or answerable for the same, or by Imprisonment of their Bodies at their Discretion; and that the said Commissioners shall have full Power and Authority to execute the same Commission, according to the Tenor and Purport thereof: And that all their Proceedings, Doings, Judgments and Executions, by Force and Authority thereof, shall be and remain good and available in the Law. Which said Money, so levied by the said Commissioners, shall be deliver'd and employ'd for the Erecting and Maintenance of the same.

## C H A P. XIV.

*Of Incurrible Rogues. Who shall be accounted such, and their Punishment. Who are Offenders against the Statute of Rogues, and their Penalties. The Reward of apprehending a Rogue, per Statute 14 Car. 2. c. 12.*

**I**N the eighth Branch of the Statute 7 Jac. c. 1. And for that many wilful People finding that they have Children, have some Hope to have Relief from the Parish wherein they dwell; and being able to labour, and thereby to relieve themselves and their Families, do nevertheless run away out of their Parishes and leave their Families upon the Parish. For Remedy thereof, be it further enacted, That all such Persons running away shall be taken and deem'd to be Incurrible Rogues, and endure the Pains of Incurrible Rogues. And if either such Man or Woman being able to work, and shall threaten to run away and leave their Families as aforesaid, the same being proved by sufficient Witnesses upon Oath before two Justices of Peace in that Division, that then the said Person threatening shall by the said Justices of Peace be sent to the Houses of Correction, (unless he or she can give in sufficient Surety for the Discharge of the Parish there to be dealt with and detain'd as a sturdy wandering Rogue, and to be deliver'd at the said Assembly or Meeting, or at the Quarter-Sessions, and otherwise.

This

This Branch consisteth upon two Parts :

1. If any Man or Woman having Children, being able to labour, and thereby to relieve their Families, do run away out of the Parishes, and leave the Families upon the Parishes, he or she shall be deem'd and taken to be an incorrigible Rogue.

2. If any such Man or Woman being able to work, shall threaten to run away, and leave their Families as aforesaid, the same being prov'd by Two sufficient Witnesses before Two Justices of Peace in that Division, he or she shall be sent to the House of Correction as a sturdy wandering Rogue, &c. unless sufficient Surety be found for the Discharge of the Parish.

*At the Meeting or Assembly:* That is, the Meeting of the Justices Twice in every Year at least, for the better Execution of this Statute; which is the Fifth Branch of it. *Et plus vid. in cap. Houses of Correction.*

*Note,* Such Offenders as run away, shall be taken to be incorrigible Rogues, and they are to be dealt withal by Two Justices of Peace.

They shall be punish'd as incorrigible Rogues, (*viz.*) They shall be sent by Two Justices of the Peace to the House of Correction, or to the Gaol, where to remain till the next Quarter-Sessions, and then he or she shall be there branded in the left Shoulder with an hot Iron, &c. *Quod vide infra.*

*Note,* All such that threaten to run away, and shall be sent to the Houses of Correction as aforesaid, upon their Delivery out of the House of Correction, they are to be sent to their Place of



of Dwelling if they have any, if not, then to the Place where they last dwelt by the Space of an Year.

Who shall be deem'd and taken to be incorrigible Rogues.

They are such as shall either appear to be dangerous to the inferior Sort of People; as shall offer any Violence, or use any Threatning Speeches towards People, &c.

Or such as will not be reform'd of their Roguish kind of Life.

If a Rogue affirmeth he was born in such a Town in such a County, and is sent thither; if he were not born there in Truth, he shall be said to be an incorrigible Rogue. *Dalt. p. 210.*

So if it appear not where he was born; if he untruly affirm that he was last dwelling in such a Town and County by the Space of an Year, and was not. *Dalt. p. 210.*

All Persons able to labour, that shall run away and leave their Families upon the Parish, shall be punish'd as incorrigible Rogues. But they that threaten to run away, shall be proceeded against as wandering Rogues only. For the Act seems to make a Difference. *Quod vide supra.*

*The Punishment of an incorrigible Rogue, 39 Eliz. c. 4. 1 Jac. c. 7.*

I shall abridge this Branch.

39 *Eliz. c. 4.* Two Justices of the Peace (one of the *Quorum*) shall commit the incorrigible Rogue to the House of Correction, and if at the next Quarter-Sessions by the Major Part of the Justices

Justices he shall not be thought fit to be deliver'd, he shall by them be banish'd, and at the Charge of the County shall be convey'd to such Parts beyond the Seas, as shall by Six or more of the Privy-Council be assign'd, wherof the Lord-Keeper or Lord-Treasurer to be one, or sent to the Gallies; and if a Rogue so banish'd return without Licence, he shall suffer as a Felon, to be try'd in the County where he shall be apprehended.

But by the Statute 1 Jac. c. 7. instead of banishing an incorrigible Rogue, or committing him to the Gallies, he shall in open Sessions be branded on the Left Shoulder with a burning Iron, having a great Roman R upon it as broad as a Shilling, and from thence shall be sent to his Place of last Abode, and if that cannot be known, to the Place of his Birth: After which Time, if he offend again, he shall suffer as a Felon, without Benefit of Clergy.

39 Eliz. c. 4. 'All such Persons as shall in  
'any wise disturb or hinder this Law, or any  
'Part thereof, concerning the Punishment, or  
'conveying of Rogues, or the Relief or Settling  
'of poor impotent People in any manner of wise;  
'or making Rescues against any Officer or  
'Person authoriz'd by this present Act; for the  
'due Execution of any the Premisses, the same  
'Person so offending, shall forfeit and lose for  
'every such Offence the Sum of 5 l. and shall be  
'bound to the good Behaviour. And per Dalton,  
p. 210. Two Justices of the Peace may bind such  
Offenders to the good Behaviour; and may also,  
by Warrant under their Hands and Seals, cause  
to be levy'd by Distress and Sale of the Offenders  
H Goods

Goods the said Sum of 5 l. upon the Confession of the Offenders, or upon the Testimony of Two Witnesses before the said Justices of such Offence.

*These Persons following are Offenders in this Law, and are Disturbers of the Execution of this Law.*

1. They that send Rogues by a general Passport, without conveying them from Parish to Parish.

2. If the Officer, (*viz.*) Constable, or Overseer, will not receive a Rogue, to convey him to the Place where he was born or dwelt: This is a Forfeiture of 5 l.

3. So if the Constable shall not deliver him to the next Constable, (the next straight way.)

And upon the Words, *Or the Relief or Settling of poor impotent People in any Manner of wise*, which Mr. Dalton hath omitted. If an Officer shall refuse an impotent Person that is poor, and no Rogue, he forfeits 5 l. by this Act.

39 Eliz. c. 4. 3d Branch. *If in any Town, Parish, or Village, the Constable, Headborough, or Tything-man, be negligent, and do not his or their best Endeavours for the Apprehension of such a Vagabond, Rogue, or sturdy Beggar, which there shall be found contrary to the Form of this present Act, and to cause every of them to be punish'd and convey'd according to the true Meaning of this present Act, such Constable, &c. in whom such Default shall be, shall lose and forfeit for every such Default 10 s. By the Statute 1 Jac. c. 7. it's 20 s. &c. Vide supra.*

By Statute 1 Jac. c. 7. 'Every Person or Persons shall apprehend, or cause to be apprehended,

‘hended, such Rogues, Vagabonds, and sturdy  
‘Beggars, as he or they shall see or know to re-  
‘sort to their Houses to beg, gather, or receive  
‘any Alms, and him or them shall carry, or  
‘cause to be carry’d to the next Constable or  
‘Tything-man, upon Pain to forfeit for every  
‘Default 10 s. to be levy’d and employ’d in  
‘Manner and Form, and upon such like Proof  
‘and Conviction, as Penalties and Forfeitures  
‘are to be levy’d and employ’d by the Statute  
‘39 Eliz. And in Default of such Levy, then to  
‘be levy’d and employ’d by the Lord of the Leet,  
‘or his Officer, where such Offence shall be com-  
‘mitted, and in such Manner as the Person au-  
‘thoriz’d by the said Statute might or should have  
‘levy’d or employ’d the same.

Now the Employment and levying of the For-  
feitures in the 39 Eliz. are:

Be it Enacted, ‘ That all Fines and Forfeitures  
appointed, or to grow due by this present Act,  
(except such as are otherwise limited or ap-  
pointed by this present Act) shall wholly go  
and be employ’d in the Use of the Reparations  
and Maintenance of the Houses of Correction,  
and Stock and Store thereof, or Relief of the  
Poor where the Offence shall be committed, at  
the Discretion of the Justices of the Peace of the  
same Limit, City, Borough, or Town Corpo-  
rate; and that all Fines and Forfeitures ap-  
pointed, or to grow by Conviction of any Per-  
son according to this present Act, shall by War-  
rant under the Hands and Seals of any Two or  
more of the Justices of the Peace of the same  
County, City, Borough, or Town Corporate,  
H 2 ‘ be

“ be levy’d by Distress and Sale of the Goods and  
 “ Chattels of the Offender, which Sale shall be  
 “ good in the Law against such Offender. And  
 “ that if any of the said Offences shall be confess’d  
 “ by the Offender, or that the same shall be prov’d  
 “ by Two sufficient and lawful Witnesse, before  
 “ such Two or more Justices of the Peace, that  
 “ then every such Person shall forthwith stand  
 “ and be in the Law convicted thereof.

Other Offenders within these Acts are,

1. The Minister which shall not keep a Register-Book, and therein enter the Substance of every Testimonial made for the conveying of Rogues (punish’d in his Parish), shall forfeit for every Default 5 s.

2. The Constable which shall not do his best Endeavours for the apprehending, punishing, and conveying all Rogues which shall be found in his Parish, shall forfeit for every Default 10 s.

3. The Constable which shall not cause to be punish’d, and to be convey’d according to the Statute of 39 *Eliz.* all such Rogues as shall be brought or sent to him by any of his Neighbours, shall forfeit for every such Default 20 s.

4. Every Person relieving vagrant Rogues, and not carrying them to the next Constable, shall forfeit 10 s. At *Cambridge Assizes, Anno Dom. 1630.* it was agreed by Sir *Nicholas Hide*, That if any Alehouse-keeper, or other Person, shall but lodge a Rogue, this is a relieving them, and contrary to the Statute 1 *Jac.* and is a Forfeiture of 10 s. 2. That giving of Money by a Constable to a Rogue, is relieving of him contrary to this Statute, and is a Forfeiture of 10 s. Persons that suffer Rogues to lodge in Barns, ought

to be bound over to the Assizes and Sessions.  
*Resolv.* 21. It's a Relieving within the Statute.

5. By 39 *Eliz.* c. 4. Every Person that shall willingly bring or convey in any Vessel out of *Ireland*, or the *Isle of Man*, into this Realm any Rogue, or any such as shall be like to live by Begging, &c. shall forfeit for every such Person 10 s.

6. The Justices at their Meetings may assess reasonable Fines, being not above 40 s. upon such Constables as shall not appear and give Account according to Statute 7 *Jac.* 4. *Branch quod vide prius*, as also for conveying of Rogues, and other idle and disorderly Persons, sent to the Houses of Correction by their Warrants, which Conveying to the Houses of Correction shall be at the Charge of the Hundred, per Statute 7 *Jac.* c. 4.

7. By 7 *Jac.* c. 4. 'If the Masters of the Houses of Correction shall not every Quarter-Sessions yield a true and lawful Account unto the Justices of Peace, of all such Persons as have been committed to their Custody; or if the said Person, or any of them, shall be troublesome to the County, by going abroad, or otherwise shall escape away from the House of Correction before they shall be from thence lawfully deliver'd, they shall be fin'd at the Discretion of the Justices in their Quarter-Sessions, and the Fines shall be paid in to the Treasurer, and accounted for by Bills.

By 14 *Car.* 2. c. 12. 'For the Encouragement of such Person and Persons as shall apprehend Rogues, Vagabonds, and sturdy Beggars, according to the Statutes made 39 *Eliz.* and 1 *Jac.* It is Enacted, That it shall and may be lawful



to and for any Justice of the Peace, to whom any Rogues, Vagabonds, or sturdy Beggars, so apprehended shall be brought, to reward any Person or Persons that shall apprehend any Rogue, Vagabond, or sturdy Beggar, by granting unto such Person and Persons, an Order or Warrant under his Hand and Seal, to the Constable, Headborough, or Tything-man of such Parish where such Rogue, Vagabond, or sturdy Beggar pass'd thro' unapprehended, requiring him to pay such Person and Persons the Sum of 2 s. for every Rogue, Vagabond, or sturdy Beggar which shall be so apprehended: And if such Constable, &c. refuse or neglect to pay the 2 s. as aforesaid, that then the said Justice of Peace, or any other Justice or Justices of Peace, shall proceed against any such Constable according to the said Statutes of 39 Eliz. and 1 Jac. and to compel him to pay such Sums of Money as he hath forfeited by the Statute of 1 Jac. and to allow out of the said Forfeiture the said 2 s. and such reasonable Means and Allowance for Loss of Time as they shall think fit, which Forfeiture by the Statute 1 Jac. is 20 s.

And if any Person or Persons shall apprehend any Rogue, Vagabond, or sturdy Beggar, at the Confines of any County, which pass'd thro' any Parish of another County unapprehended, it shall be lawful for such Person or Persons to go to some Justice of Peace of that County thro' which such Rogue or Vagabond pass'd unapprehended; who is hereby requir'd (upon a Certificate under the Hand of some Justice of Peace of the County where such Rogue or Vagabond was so apprehended) to grant his Order or

‘ or Warrant under his Hand and Seal, requiring  
‘ the said Constable, Headborough or Tything-  
‘ man, to pay unto such Person or Persons as  
‘ aforesaid the Sum of 2 s. which if he shall re-  
‘ fuse or neglect to do, then such Justice is hereby  
‘ requir’d to proceed against such Constable,  
‘ Headborough or Tything-man, and to cause  
‘ him to pay 10 s. or so much thereof for his Ex-  
‘ pences and Loss of Time as the said Justice of  
‘ Peace shall think fit, to such Person or Persons,  
‘ which he hath forfeited by the Statute made in  
‘ the 39th of *Eliz.*

By the same Statute of 14 *Car.* 2. ‘ Whereas  
‘ Constables, Headboroughs or Tything-men, are  
‘ or may be at great Charge in relieving, con-  
‘ veying with Passes, and in carrying of Rogues  
‘ and Vagabonds to Houses of Correction or  
‘ Work-houses, and as yet have no Power by  
‘ Law to make Rates to reimburse themselves: It  
‘ is Enacted, That all Constables, Headboroughs,  
‘ and Tything-men, so out of Purse as aforesaid,  
‘ together with the Church-wardens and Over-  
‘ seers of the Poor, and other Inhabitants of the  
‘ said Parish, shall hereby have Power and Au-  
‘ thority to make an indifferent Rate, and to tax  
‘ all the Occupiers of Lands and Inhabitants, and  
‘ all other Persons chargeable by the Statute of  
‘ the 43d of *Eliz.* concerning the Office and Duty  
‘ for the Overseers of the Poor within the said  
‘ Parish; which Rate being confirm’d under the  
‘ Hands and Seals of any Two Justices of Peace as  
‘ aforesaid, the Constable, Headborough or Ty-  
‘ thing-man, shall have Power, by Warrant un-  
‘ der the Hands and Seals of Two Justices of the  
‘ Peace, to levy by Distress and Sale of the Goods

‘ of any Person and Persons refusing to pay the  
 ‘ same, rendring the Overplus to the Owner, if  
 ‘ any shall be. See after in the Abridgment.

In the Act of 14 Car. 2. there is a *Proviso*, That it shall and may be lawful for the Justices of Peace in any of the Counties of *England* and *Wales*, in their *Quarter-Sessions* assembled, or the Major Part of them, to transport, or cause to be transported, such Rogues, Vagabonds and sturdy Beggars, as shall be duly convicted and adjudg'd to be incorrigible, to any of the *English* Plantations beyond Seas. Q. And at whose Charge? Out of the County Stock, as I conceive.

Certainly this is the best Way of Punishment, next to pressing them for Sea or Land Service.

*Note*, It is Enacted by the Statute 39 Eliz. c. 4. That any Two or more Justices of the Peace within their several Shires, Cities, Boroughs, or Towns Corporate (whereof one to be of the *Quorum*) shall have full Power to hear and determine all Causes that shall grow or come in Question, by reason of this Statute 39 Eliz. made for the Punishment of Rogues, Vagabonds, and sturdy Beggars.

And now, because the Penalty of wandering Beggars is so severe, I shall shew who may beg, and not be in Danger of the Statutes of Rogues, and who not.

The Justice of Peace dwelling in or near the Place where any Seafaring-Man suffering Shipwrack shall land, may make a Testimonial under his Hand to such Person, (not having wherewith to relieve himself in his Travel homewards) setting down in such Testimonial the Place and Time of his Landing, and the Place of his Birth  
 and

and Dwelling unto which he is to pass, limiting therein a convenient Time for his Pass, in which Time, and in his direct Passage, he may beg necessary Relief, 39 Eliz. c. 4. So of a Soldier or Mariner, 39 Eliz. But by the Statute 43 Eliz. c. 3. as to sick or maimed Soldiers, they now are usually, and may be reliev'd with Money by the Treasurers of every County where they come, with such convenient Sums as may carry him to the next County, *vid. le Stat.* So that only in the said Two Cases of Shipwrack, and Soldiers or Mariners, may they beg Relief.

Any one Justice of Peace may license Labourers in Hay-time and Harvest to pass from one County to another to work, but not to wander or beg. *Per Stat. 5 Eliz. 4.*

Any Two Justices of Peace may make a Testimonial to Serving-men (or other Servants) departing from their Masters, but they must not wander up and down idly, nor beg. 39 Eliz. 4. *Dalt. 210.*

None may be suffer'd to take Relief at any Man's Door, tho' within the same Parish, unless it be by Order of the Overseers. Neither may any be suffer'd to beg by the High-way, tho' in their own Parish. *Resolv. 15. 39 Eliz.* If a Man give Alms at his Door, unless to such Poor who are licens'd to beg by the Overseers, he forfeits 10s.

How by Statute 11 and 12 W. 3. cap. 18. Vagabond Beggars brought by a Pass to a Constable, is to be had before the next Justice of Peace, of whom the Constable is to receive a Certificate for his further Conveyance, &c. *Vide* in the Abridgment concerning Vagabonds, &c.

How the Justice is to tax an Allowance to the Constable on the Certificate to be paid by the chief Constable, and he to deliver his Receipt to the Treasurer of the County; and how the Justices at the *Quarter-Sessions* may advance Money to the chief Constable for that Purpose. *Ibid.*

The Constables neglecting their Duty in apprehending such vagabond Beggar, to forfeit 20 s. and how to be levy'd by a Justice's Warrant. *Ibid.* Also how Ridings, Divisions of Counties, Liberties and Towns Corporate, shall be taken. *Ibid.*

How far the aforesaid Statute shall extend by Vertue of a subsequent Statute made 2 *Anna*, c. 23. And how the Justices, at their *Quarter-Sessions*, shall set down the Rates for conveying Vagrants thro' their Liberties. *Ibid.*

How the High Constable is to pay the Rate tax'd upon producing the Receipt of the Constable of the adjacent County, to whom the Vagrant was to be deliver'd. *Ibid.*

How these Two latter Acts are continu'd by 3 *Anna*, c. 32. And how the General *Quarter-Sessions* are to assess on every Parish and Place, such Sums as are reasonable for satisfying Allowances to Constables and others, for their Loss of Time and Expences in passing Vagrants. *Ibid.*

How the Treasurers shall obey the Justices Order of Sessions, for the Discharge of such Sums for conveying Vagrants as aforesaid. *Ibid.*

A *Proviso* to levy them according to the customary Rate of Gaol or Bridge-Money. *Ibid.*

Of the Appeal of such Persons, who find themselves aggriev'd, to the next General *Quarter-Sessions*. *Ibid.*

How

How the Justices, chief Magistrates and Officers in Liberties and Towns Corporate, shall act, in certifying and conveying of Passengers, Vagabonds, Beggars and idle Persons, &c.  
*Ibid.*

By the 2 *Anne*, cap. 6. lewd and disorderly Servants, Rogues, Vagabonds and sturdy Beggars, (not being Felons) by 39 *Eliz.* c. 17. to be taken up and sent to Sea-Service of Her Majesty, in Manner as is directed for Vagrants, 11 *W.* 3. cap. 18.

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# STATUTES

Which relate to the

# POOR.

**T**HE general Statutes which treat concerning Labourers, poor People, and some other People, who wilfully become chargeable to a Common-wealth, (and therefore ought properly to be distinguish'd by another Name,) are, *viz.*

I. *Stat. 5 Eliz. cap. 4.* Concerning Labourers, Artificers, Servants, and Apprentices; with *1 Jac. 1. 6.* for rating the Wages of Labourers, and other Artificers.

II. More particularly relating to poor People; as *43 Eliz. 2. 1 Jac. 1. 25. 7 Jac. 1. cap. 3. 3 Car. 1. cap. 4. 13 & 14 Car. 2. cap. 12. 22 & 23 Car. 2. cap. 8. Stat. 1 Jac. 2. cap. 17.*

III. Such as concern Bastards, lewd Women, Vagabonds, Vagrants, Rogues, Beggars, &c. as *18 Eliz. cap. 3. 39 Eliz. c. 4. Stat. 39 Eliz. c. 17.*

c. 17. Stat. 1 Jac. 1. c. 7. Stat. 7 Jac. 1. cap. 4.

The Statute 1 Jac. 1. cap. 31. relates to such poor People as are infected with the Plague.

*Labourers, Artificers, Servants, and Apprentices.*

Note, That by Stat. 2 & 3 E. 6. c. 15.

I. **A**Rtifiers, Workmen, and Labourers; that conspire together concerning their Work or Wages, every of them so conspiring shall forfeit for the First Offence 10*l.* to the King; and if he pay it not within Six Days after Conviction, by Witness, Confession, or otherwise, he shall suffer Twenty Days Imprisonment, and during that Time shall have no Sustenance but Bread and Water: For the Second Offence he shall forfeit 20*l.* and that not paid within Six Days, as aforesaid, shall suffer the Pillory: And for the Third Offence he shall forfeit 40*l.* and that not paid within the said Time, shall again suffer the Pillory, lose one of his Ears, and be ever after taken as a Man infamous, and not to be credited.

II. Justices of Assize, Justices of Peace, Mayors, Bailiffs, and Stewards in Sessions, Leets and Courts, have Power to hear and determine these Offences: But Quære, Whether this Branch of this Statute be not repeal'd by the general Words of 5 El. 4. following?

III. Stat. 5 Eliz. 4. So much of all Statutes made, and every Branch thereof, as touch or concern

cern the Hiring, Keeping, Departing, Working, Wages, or Order of Servants, Workmen, Artificers, Apprentices, and Labourers, or any of them, and the Penalties and Forfeitures concerning the same, are repeal'd: Howbeit, the said Statutes, and every Branch and Matter therein contain'd, not repeal'd by this Act, shall remain in Force.

IV. None shall hire, or be hir'd, for less than One whole Year in the Arts of Clothier, Woollen-Weaver, Tucker, Fuller, Clothworker, Sheerman, Dier, Hosier, Taylor, Shoemaker, Tanner, Pewterer, Baker, Brewer, Glover, Cutler, Smith, Farrier, Currier, Saddler, Spurrier, Turner, Capper, Hat or Felt-maker, Fletcher, Arrow-head-maker, Butcher, Cook, Miller.

V. Every Person unmarried, or under the Age of Thirty Years, tho' marry'd, having been brought up in any of the Arts abovesaid by the Space of Three Years, and not worth in Lands 40 s. *per Annum*, or in Goods 10 l. and so allow'd under the Hands and Seals of Two Justices of Peace, the Head Officer, or Two discreet Burgessees of the Place where the Party so brought up hath liv'd, by the Space of One whole Year, not already retain'd in Husbandry, the Arts abovesaid, or any other Art or Mystery, or in any Service, (upon Requests of any Person using the same Art,) shall not refuse to serve for the Wages limited by the Statute; and so being retain'd, shall not depart from his or their Service without One Quarter's Warning before Two lawful Witnesses, or some lawful Cause, to be prov'd before One Justice of Peace, or Head Officers, in Pain of Imprisonment without Bail; but upon Submission to perform the Service, they shall

shall be enlarg'd without Fees, which Commitment and Enlargement Two Justices of Peace, the Head Officer, or Two Burgeses, as aforesaid, unto whom Complaint shall be made, have Power to command as in their Discretions, and upon due Proof, shall be thought fit.

VI. Every Person, between the Ages of Twelve and Sixty, not already retain'd in any Service, nor employ'd about Husbandry, Mines, Glass, Coal, Fishing, Sailing, Provision of Grain or Meal for London, nor Gentleman born, nor Scholar in any University or School, nor worth 40 *s. per Annum* in Lands, or 10 *l.* in Goods, not having a Father, Mother, or other Ancestor (whose Heir he is) worth 10 *l. per Annum* in Lands, or 40 *l.* in Goods, shall be compell'd to serve in Husbandry, and shall not depart that Service otherwise than as is before limited, upon Pain above express'd.

VII. None shall put away his Servant before the End of his Term without a Quarter's Warning, or some lawful Cause, to be prov'd by Two sufficient Witnesses before the Justices of Oyer and Terminer, Justices of Assize, Justices of Peace in Sessions, a Head Officer, or Two discreet Aldermen or Burgeses, in Pain of 40 *s.*

VIII. No Servant, having serv'd in one City or Town, shall get to serve in another without a Testimonial, (*viz.* in a Town Corporate under the Seals of the Towns, or Two Housholders there, and in the Country under the Seals of the Constable or Constables, and Two Housholders there,) which Testimonial shall be made and deliver'd to the Party, and also register'd by the Minister of the Place where the Servant dwelt, or w hich the Master is to have Two-pence.

IX. The

IX. The Form of the Testimonial is this: *Memorandum, That A. B. Servant to C. D. of I. in the County of E. Husbandman, or Taylor, &c. in the said County, is licens'd to depart from his said Master, and is at his Liberty to serve elsewhere, according to the Statutes in that Case made and provided. In Witness, &c.*

X. The Servant which sheweth not such a Testimonial to the chief Officer in a Corporation, or to the Minister, or some Officer, in any other Place where he is to dwell, shall suffer Imprisonment till he procure one; and if he produce not one within One and twenty Days after his Imprisonment, or shew a false one, he shall be punish'd by Whipping as a Vagabond; and the Master that retains a Servant without such a Testimonial shall forfeit 5*l.*

XI. Those that work by the Day or Week, shall continue at Work, betwixt the Middle of *March* and the Middle of *September*, from Five in the Morning till betwixt Seven and Eight at Night, except Two Hours allow'd for Breakfast, Dinner, and Drinking, and Half an Hour for Sleeping, from the Midst of *May* to the Middle of *August*, and all the rest of the Year from Twilight to Twilight, except an Hour and an Half allow'd for Breakfast and Dinner, in Pain to have One Penny default'd out of their Wages for every Hour's Absence.

XII. None that takes Work by Great shall leave the same before it be quite finish'd, except for not Payment of his Wages, the Queen's Service, Licence of the Work-master, or other lawful Cause, in Pain to suffer One Month's Imprisonment without Bail, and to forfeit 5*l.* to the Party griev'd, besides his Costs and Damma-

ges,

ges, to be recover'd at the Common Law for the Loss sustain'd.

XIII. None retain'd in Service to work shall depart without Licence, in Pain of One Month's Imprisonment.

XIV. Such Wages of Labourers, Artificers, and others, as have been formerly rated, or concern Husbandry, shall be Yearly assess'd for the County by the Sheriff and Justices of Peace in Sessions, and in Corporations by the Head Officer, at their *Easter* Sessions, or within Six Weeks after, and before the 12th of *July* following, shall be certify'd under their Hands and Seals in the Chancery: Whereupon the Lord Chancellor or Keeper shall send down printed Proclamations thereof into every Country and Corporation before the First of *September* then next following, which the said Sheriffs, Justices, and Head Officer, shall before *Michaelmas* after cause to be enroll'd and proclaim'd. But here, when the old Rates shall be certify'd to stand, no Proclamation is needful.

XV. A Justice of Peace, or Chief Officer, which shall be absent at the Taxing of Wages (being not excused by Sickness, or some other reasonable Cause to be allow'd by the Justices upon *Affidavit*) shall forfeit 10 *l*.

XVI. None shall give greater Wages than those so rated, as aforesaid, in Pain of 5 *l*. and Ten Days Imprisonment without Bail; and if any Person shall be convicted before Two Justices of Peace, or a Head Officer, of taking more Wages, he shall suffer One and twenty Days Imprisonment without Bail.

XVII. Every Retainer, Promise, Gift, or Payment of Wages, or other Thing contrary to the  
true



true Meaning of this Act, and every Writing and Bond to be made for that Purpose, shall be void.

XVIII. If any Servant, or other, shall be convicted before Two Justices of Peace, or a Chief Officer, as aforesaid, by his own Confession, or the Testimony of Two honest Men, to have assaulted his Master, Mistress, Dame or Overseer, he shall suffer One Years Imprisonment, or less, if the Justice or Chief Officer shall think fit; and if the Party shall be thought to deserve a more severe Punishment, then to receive such open Punishment (Life and Member excepted) as the Justices in Sessions, or the Chief Officer and Four of the discreetest Men in the Corporation, shall think convenient.

XIX. Artificers shall work in Hay-time and Harvest in Pain of Imprisonment in the Stocks Two Days and One Night, which the Constable shall inflict upon them in Pain of 40 s.

XX. It shall be lawful for Labourers, (other than such as are retain'd in Service according to this Statute) to go to other Shires to work in Hay-time and Harvest, so that they bring with them a Testimonial under the Hand of one Justice of Peace, or a Chief Officer, testifying that they have not sufficient Work in the Place where they liv'd the Winter before; for which Testimonial they shall only pay a Penny.

XXI. Every unmarried Woman fit to serve, being above Twelve Years old, and under Forty, shall by Two Justices of Peace, a Chief Officer or Two Burgeses, be compellable to serve for convenient Time and Wages in Pain of Imprisonment.

XXII. Hus-

XXII. Husbandmen being Housholders, and using Half a Plough-land at least in Tillage, may take by Indenture Apprentices above the Age of Ten Years, and under Eighteen, to serve in Husbandry until the Age of Twenty-one Years at least, or Twenty-four Years, as the Parties can agree.

XXIII. Every Housholder of the Age of Twenty-three Years, dwelling in a Town Corporate, and using there any Art or Mystery, shall and may take an Apprentice for Seven Years at least; howbeit the Term ought not to expire before the Apprentice accomplish the Age of Twenty-four Years.

XXIV. Merchants, Mercers, Drapers, Goldsmiths, Ironmongers, Embroiderers, and Clothiers, dwelling in Corporate Towns, shall take no Apprentices but their own Children, or such whose Parents have Inheritance, or Freehold of 40 s. *per Annum*, to be certify'd under the Hands and Seals of Three Justices of Peace of the County where such Lands lie, to the Head Officer of the said Corporation, who shall cause the same to be recorded. Artificers in Market-Towns not Corporate, being Housholders, and of the Age of Twenty-four Years, may take other Artificers Children to serve as Apprentices.

XXV. Merchants, Mercers, Drapers, Goldsmiths, Ironmongers, Embroiderers and Clothiers, dwelling in Market-Towns not Corporate, shall take no Apprentices but their own Children, or such whose Parents have Inheritance of Freehold worth 3 l. *per Annum*, to be certify'd under the Hands and Seals of Three Justices of Peace, as aforesaid.

XXVI. Smiths,

XXVI. Smiths, Wheelwrights, Ploughwrights, Millwrights, Carpenters, Rough-masons, Plasterers, Sawyers, Lime-burners, Brick-makers, Bricklayers, Tylers, Salters, Helyers, Tile-makers, Linen-weavers, Turners, Coopers, Millers, Earthen-Potters, Woollen-Weavers (of Housewife's-Cloth only) Fullers, Woodburners, Thatchers, and Shinglers, may take Apprentices, tho' their Parents have no Land.

XXVII. None which hath not serv'd as an Apprentice Seven Years in any Art or Mystery now us'd, shall use the same, or set any other to work therein which hath not so serv'd out that Time, in Pain to forfeit 40 s. for every Month.

XXVIII. Woollen Cloth-weavers (other than such as inhabit *Cumberland, Westmorland, Lancaster, or Wales*, or in Cities, Corporations, or Market-Towns) shall take no Apprentices, nor teach any their Art, save their own Children, or such whose Parents have Inheritance or Freehold worth 3 l. *per Annum*, to be certify'd under the Hands and Seals of Three Justices of Peace of the County where the Lands lie, in Pain to forfeit 20 s. for every Month: And the Indenture shall within Three Months be register'd in the Parish where the Master dwells, the Fee of which Registering is 4 d. This Section is repeal'd, by Statute 5 & 6 W. & M. cap. 9.

XXIX. Every Clothworker, Fuller, Sheerman, Weaver, Taylor and Shoemaker, shall for every Three Apprentices, keep One Journeyman; and for every Apprentice above Three, another Journeyman, in Pain of 10 l.

XXX. This Act shall not prejudice Worsted-makers, nor Worsted-weavers, in *Norwich* and *Norfolk*.

XXXI. If

XXXI. If any Person fit to make an Apprentice, refuse to serve upon Demand, one Justice of Peace, Mayor, or Head Officer, unto whom Complaint thereof shall be made, have Power to commit him to Ward, until he shall be willing to serve accordingly.

XXXII. If there shall arise any Difference betwixt the Master and the Apprentice, One Justice of Peace in the Country, or the Mayor or Head Officer in a Corporation or Market-Town, shall have Power to reconcile it, if they can; if not, then to bind over the Master to the next Quarter-Sessions, where the Justice of Peace, or any Four of them, (1 Q.) or the Head Officer, with the Consent of Three of his Brethren, shall upon Default found in the Master, in Writing under their Hands and Seals, have Power to discharge the Apprentice of his Service; and if Default be found in the Apprentice, then to inflict such Punishment upon him as in their Discretions shall be thought fit.

XXXIII. None shall be bound to enter into an Apprentiship, other than such as be under the Age of One and twenty Years.

XXXIV. Justices of Peace in their several Divisions, and Head Officers in Towns Corporate, shall meet Twice every Year, viz. Once betwixt *Michaelmas* and *Christmas*, and another Time betwixt the *Lady-Day* and *Midsummer*, to give Order for the due Execution of this Statute.

XXXV. Justices of Peace and Head Officers shall have 5 s. for every Day they sit about the Execution of this Statute, to be allow'd them out of the Fines which accrue upon the Breach thereof; so that their Sitting be only for Matters

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contain'd in this Statute, and not above Three Days at One Time.

XXXVI. The Forfeitures aforesaid (except those otherwise limited) shall be divided between the Queen and the Prosecutor: And all Justices of Peace, or any Two of them, (1 *Q.*) and every Head Officer, shall have Power to hear and determine the Breach of this Statute upon Indictment, or otherwise, and to award Process and Execution accordingly; and shall Yearly in *Michaelmas*-Term, by *Effret*, certifie into the Exchequer the Fines which accrue upon this Statute, in Manner as they ought to do in other Cases.

XXXVII. This Act shall not restrain the Cities of *London* and *Norwich* from taking of Apprentices as in Times past.

XXXVIII. None shall take Apprentices otherwise than is limited by this Act, in Pain of 10*l.* and all Indentures otherwise made shall be void.

XXXIX. An Apprentice shall be bound by his Indentures, notwithstanding his Non-age of One and twenty Years.

XL. The Inhabitants of *Godalming* in *Surrey* may take and use such Arts and Apprentices as Market-Towns may do, by Vertue of this Act.

XLI. The Fines accruing by this Act in Towns Corporate, shall be appointed by the Head Officer (to be collected as other Fines and Amerciaments) for the Use of the same Towns.

XLII. When an Apprentice departs from his Master's Service into another County or Corporation, it shall be lawful for the Justice of Peace, or Head Officers there being (Justices of Peace) to direct a *Capias* to the Sheriff, or other Chief Officer,

officer, for his Apprehension; and being taken, the said Justice of Peace, or Head Officer, shall commit him to Ward until he give good Security that he will honestly serve out his Time.

XLIII. Notwithstanding this Act, High-Constabables have Power to keep their Statute-Sessions, so that they there do nothing repugnant thereunto.

XLIV. *Stat. 1 Jac. 6.* The Statute of 5 *El.* 4. shall give Power to the Justices of Peace to rate the Wages of any Labourers, Weavers, Spinners, and Workmen or Workwomen, whatsoever.

XLV. The Rating of such Wages in Sessions by the more Part of the Justices within any particular Riding or Division, (where General Sessions have been us'd severally to be kept,) shall be as effectual as those rated at the General Sessions of the whole County.

XLVI. The Sheriffs and Head Officers, within their several Precincts, shall cause the said Rates to be proclaim'd in such Sort as if they had been sent down printed from the Lord Keeper, which all Persons shall be bound to observe, upon the Pains and Penalties mention'd in the said Statute of 5 *Eliz.* 4.

XLVII. A Clothier, or other convicted before the Justices of Assize or Peace in Sessions, or before Two Justices of Peace, (1 *Q.*) by his own confession, or the Evidence of Two Witnesses, not to have observ'd the said Rates, by paying less than in the Rates so appointed, shall forfeit 10 s. to the Party griev'd, to be levy'd upon Warrant from the same Justices, by Distress and Sale of the Goods.

XLVIII. None



XLVIII. None shall incur any Danger for not making Certificate of the Rates into the Chancery, according to 5 *Eliz.* 4.

XLIX. A Clothier, being also a Justice of Peace, shall not be a Rater of Wages for any Artificers that depend upon making of Cloth.

By *Stat. 8 & 9 Will. 3. c. 30.* Where any poor Children shall be appointed to be bound Apprentices, pursuant to the Act of 43 *Eliz. c. 2.* the Persons to whom they are appointed to be bound shall receive and provide for them according to the Indenture; and upon Refusal so to do, upon Oath thereof made by a Churchwarden or Overseer before Two Justices, he or she so offending shall forfeit 10 *l.* to be levy'd by Distress and Sale of the Offender's Goods, to be apply'd to the Use of the Poor of the Parish where such Offence was committed; saving to such Persons their Appeal to the next Quarter-Sessions for that County, whose Order therein shall be final.

And by this Statute, no unmarried Person, not having Child or Children, lawfully hired into any Parish or Town for One Year, shall be deem'd to have a good Settlement in such Parish, unless he continue in the same Service during One Year.

By the *Stat. 2 Ann. c. 6.* Two Justices, in their Counties, &c. Mayor, Aldermen, and other chief Officers, of any City or Town Corporate, and Church-wardens and Overseers of the Poor, with Consent of Two Justices of the Peace, &c. may bind out Boys above 10 Years of Age, whose Parents are chargeable to the Parish, to be Apprentice to the Sea-Service, to any Master, Owner

of any Vessel or Ship belonging to any Port in *England and Wales*, until the Age of One and twenty; and the Age of the Boy is to be mention'd in the Indenture. Also the Overseers are to pay 50 s. to the Master for Cloathing, Boarding, &c. and to be allow'd it on their Accounts.

The Justices, Aldermen, Mayor, and Chief Officer, in or near the Port where Ships shall arrive, may hear and determine Complaints of hard Usage of all Apprentices to Sea-Service. See *Washington's Abridgment of this Statute, Tit. Seamen; & ibid. Sect. 33.* How the Masters of Apprentices, according to 43 *Eliz. c. 2.* may turn over their Apprentices to such Master or Owner during the Remainder of their Apprentiship, and a Protection shall be given till he be eighteen Years of Age; and after such Age, if they shall be impress'd, or enter themselves into Her Majesty's Service, their Owners or Masters shall have able Seamen's Wages for such of them as are found qualified.

How disorderly Servants, Rogues, Vagabonds, and Beggars, may be sent into Her Majesty's Service by *Stat. 2 Ann. cap. 6.* in such Manner as is directed for Vagrants by 11 *Will. 3. cap. 18.*

### Poor People.

*Stat. 43 Eliz. 2.*

THE Church-warden of every Parish, and four, three or two Housholders there, (according to the Greatness of the Parish) to be nominated

minated yearly in *Easter-Week*, or within one Month after, under the Hands and Seals of two Justices of Peace, (1 *Q.*) shall be called Overseers of the Poor for the same Parish.

II. These Overseers, or a greater Part of them, shall take Order (with the Consent of two such Justices) for the setting of poor People to work, and for raising (by Taxation) a convenient Stock to work upon, to relieve impotent Persons, to put forth Apprentices, and to perform all other Things concerning the Premises.

III. These Officers, or such of them as shall not be let by some just Excuse, (to be allow'd by two such Justices) shall meet monthly in the Church upon *Sunday* after Evening-Prayer, and there consider of some meet Direction in the Premises; and shall within four Days after the End of their Year, and other Overseers nominated, yield up a true Account to such two Justices, pay the Surplusage thereof to their Successors, and use all possible Diligence in their Office, in Pain to forfeit for every such Default 20 s.

IV. Where the Inhabitants of any Parish are not able to relieve themselves, two such Justices may tax other Parishes and Places, and the whole Hundred also (if Need require); and where the whole Hundred is not able, Justices of Peace in Sessions may tax the County in part, or wholly, at their Discretions.

V. It shall be lawful for the said Officers, upon Warrant from two such Justices, to levy such Tax or Surplusage by Distress and Sale of Goods; and in Default of Distress, two of the said Justices have Power to commit the Party to Prison, there to remain (without Bail) until it be

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discharged, and also to commit Persons which refuse to work to the House of Correction.

VI. The said Officers, or the greater Part of them, with the Assent of two Justices of Peace, may bind poor Children Apprentices, *viz.* a Man-child till Twenty four Years of Age, and a Woman-child till One and twenty Years, or Marriage.

VII. The said Officers shall (with the Consent of the Lord of the Manor first obtain'd in Writing under his Hand and Seal) either of themselves, or by Vertue of a Sessions-Order, erect Cottages upon the Waste, and lodge Inmates therein, notwithstanding the Statute of 31 *Eliz.* 7. But those Cottages shall not be afterwards otherwise employ'd than to lodge impotent Persons therein, upon the Pains mentioned in the said Statute of 31 *Eliz.*

VIII. Justices of Peace in Sessions shall rectify unjust Taxes, whose Order therein shall be binding to all Parties.

IX. The Father, Grandfather, Mother, Grandmother, and Children, of every poor Person, shall be assessed towards their Relief, as the Justices of Peace in Sessions of the County where such Father, &c. dwells, shall limit and appoint, in Pain to forfeit 20 s. a Month.

X. Officers in Corporate Towns, and Aldermen of *London*, have in their several Precincts like Authority that Justices of Peace have in the Counties, which said Justices are not to intermeddle in Corporations for the Execution of this Law.

XI. When one Parish extends into several Counties or Liberties, the Justices or Head-Officers shall only intermeddle within their Respective;

spectives; but the Church-wardens and Overseers shall have mix'd Jurisdiction, and shall render Account (as aforesaid) to Justices or Head-Officers of both Places.

XII. If it happen Overseers not to be appointed according to this Statute, every Justice of Peace or Head-Officer of that Division or Corporation shall forfeit 5 *l.* to be levied by a Sessions-Warrant, and employ'd to the Use of the Poor of the Parishes where such Default is made.

XIII. The Forfeiture of this Statute shall be employ'd to the Use of the Poor, and levied by Distress and Commitment, as aforesaid.

XIV. Justices of Peace of every County and Corporation, or the most Part of them, at *Easter-Sessions* shall yearly (or as often as they shall think fit) rate every Parish at a certain Sum to be paid weekly; but so as no Parish may pay more than Sixpence, nor less than a Halfpenny, and (one Parish being consider'd with another) not above Twopence through the whole County or Corporation; which Sum so rated, the Church-wardens and Constable of every Parish, or any of them, (or in their Default, a Justice of Peace) have Power to assess and levy by Distress, Sale, and Commitment, as aforesaid.

XV. Justices of Peace shall then likewise rate every Parish towards the Relief of the *King's-Bench* and *Marshalsea*, and also of Hospitals and Alms-houses situate within their several Jurisdictions, appointing only so much to the said Hospitals and Alms-houses, that the *King's-Bench* and *Marshalsea* may each of them receive at least 20 *s.* yearly out of every County; and the Sums thus to be assess'd upon every Parish, the Church-wardens

wardens there shall collect and levy as before, and pay them over quarterly to the High-Constable of that respective Division ten Days before every Quarter-Sessions, and the High-Constables shall every Quarter-Sessions pay the same over to the two Treasurers of the County, or one of them, to be yearly chosen by the more Part of the Justices of Peace out of such Subsidy-men as were taxed in the last Tax of Subsidies at 5 *l.* Lands, or 10 *l.* Goods; which Treasurers so chosen shall yearly, at *Easter-Sessions*, render a true Account to their Successors, and pay the Moneys in their Hands to the Lord Chief Justice of the *King's-Bench*, and the Knight-Marshal, by equal Portions. And here the Church-warden, or his Executors, &c. which fails in Payment to the High-Constable, shall forfeit 10 *s.* and the High-Constable, or his Executors, &c. which fails in Payment to the Treasurers, shall forfeit 20 *s.* to be levied and employ'd by the said Treasurer as aforesaid.

XVI. The Stock of every County shall be order'd and dispos'd to Charitable Uses, as the Justices, or the more Part of them, shall think convenient.

XVII. The Treasurer that refuseth to execute his Office, to distribute Relief, or to account, as the most Part of the Justices shall direct, shall be fined by the same Justices, or (in their Default) by the Judges of Assize, three Pounds at least, which Fine shall be levied by Sale of Goods, upon the Prosecution of any two Justices authoriz'd by the rest.

XVIII. A Provision for the Islands of *Fowlness* in *Essex*.



XIX. Upon an Action brought for the due Execution of this Act, the Defendant may plead the general Issue, and yet give special Matter in Evidence, and shall also recover treble Damages, and his Costs of Suit.

XX. *Stat. 7 Jac. 3.* Money given to put out poor Children Apprentices shall be employ'd in Corporate Towns by the Corporations, and in other Places by the Parson or Vicar, together with the Constables, Church-wardens, and Overseers of the Poor, or the most Part of them, who shall not forbear or refuse to employ the same accordingly, in Pain to forfeit five Marks each of them so making Default, to be divided betwixt the Poor of the Parish and the Prosecutor.

XXI. The Party taking Money with such an Apprentice, shall give good Security by Obligation to repay it at the End of Seven Years next ensuing the Date of the said Obligation, or within Three Months next after the End of the said Seven Years; and if such Apprentice shall die within the Seven Years, then within one Year after his or her Death: And if the Master, Mistress or Dame, happen to die within the Seven Years, then within one Year after their Death, so as the Money may be employ'd in placing the Apprentice with some other of the same Trade, to serve out his Time, at the Discretion of the Parties trusted, as aforesaid.

XXII. The Money so given shall be employ'd within Three Months after the Receipt thereof, and if there shall not be apt Persons found in the Places where it is given to be Apprentices, it shall be employ'd in the Parishes next adjoining by the Parties that are trusted with it in the  
Places

Places where it was so given, and there also Bond shall be taken, as before is declar'd.

XXIII. The Choice of Apprentices shall be out of the poorest Sort of Children, whose Parents are the least able to relieve them, and no such Apprentice shall be above the Age of Fifteen Years when he or she is first bound.

XXIV. The Parties so trusted, shall Yearly in *Easter-week*, or within one Month after, account before Two or more of the next Justices of Peace. And if there be any Obligations, or Money remaining in their Hands, they shall upon such Account (or within Ten Days after) deliver the same unto their Successors.

XXV. If any Officer so trusted, shall break the Trust repos'd in him; misemploy the said Money, or do any Thing contrary to this Act, for which he cannot be punish'd by this Act, the Lord Chancellor or Keeper shall, upon the Petition of any Person, award a Commission to such as he shall think fit, to enquire, hear, and determine such Offences; and if the Commissioners shall find Money so misemploy'd, they shall, in Places not Corporate, have Power to rate, raise, and collect it upon the Parties so offending; or otherwise, upon the able Inhabitants of the City, Town, or Parish so in Default, as the said Commissioners, or the greatest Part of them, shall think fit, and shall return the said Commission, together with the Manner of executing the same, into the *Chancery* within Three Months next after such Execution thereof.

XXVI. *Stat. 1 Jac. 25.* All Persons, to whom the Overseers of the Poor shall (according to the Statute of 43 *Eliz.* 2.) bind any poor Children Apprentices, may take, receive, and keep them,

as Apprentices: See also the same continu'd and confirm'd by 21 Jac. 28. and 3 Car. 4.

XXVII. Stat. 3 Car. 4. The aforesaid Statute of 1 Jac. 25. is again continu'd and confirm'd.

XXVIII. The Church-wardens and Overseers of the Poor (mention'd in the Statute of 43 Eliz. 2.) may with the Consent of Two or more Justices of the Peace, one of the *Quorum*, within their respective Limits, wherein there shall be more Justices of Peace than one, and where no more shall be than one, with the Assent of that one Justice, set up, use, and occupy any Trade, Mystery, or Occupation, only for the setting on Work and better Relief of the Poor of the Parish or Place where they so bear Office respectively.

XXIX. Stat. 13 & 14 Car. 2. c. 12. Upon Complaint made by the Church-wardens, or Overseers of the Poor of any Parish, to any Justice of the Peace within Forty Days after any Persons coming to settle in any Tenement under the Yearly Value of 10*l.* any Two Justices of the Peace, whereof one of the *Quorum*, may by Warrant remove such Persons to such Parish where they were last settled, either as a Native, Householder, Sojourner, Apprentice, or Servant, for the Space of Forty Days, unless they give Security to discharge the Parish, to be allow'd by the said Justices; provided Persons griev'd may appeal to the next *Quarter-Sessions*.

XXX. Provided all Persons may go from Place to Place to work in Harvest, carrying with them Certificates from the Minister, one Church-warden, and one of the Overseers of the Poor of the Place where they inhabit; and such working in Harvest, or falling sick, shall not be accounted a Settlement; and if such Persons refuse

to go, and shall not remain in the Parish where they ought to be settled, any Two Justices of the Peace where the Offence is committed may send them to the House of Correction as Vagabonds, or to the publick Work-house, there to labour.

XXXI. There shall be one or more Corporations in *London* and *Westminster*, the Counties of *Middlesex* and *Surrey*, lying within the Parishes in the Weekly Bills of Mortality, consisting of a President, Deputy-President, and Treasurer; and the Lord-Mayor, President, and Aldermen, to be Assistants of the Corporation, or Work-houses of *London*, and Fifty-two Citizens to be chosen by the Common-Council of the said City, who may elect a Deputy-President and Treasurer, and other Officers, for Execution of this Act.

XXXII. A President, and Deputy-President, and Treasurer, and Assistants for the City of *Westminster*, to be chosen by the Lord Chancellor, or Lord Keeper.

XXXIII. Justices of the Peace of *Middlesex* and *Surrey* respectively, in their *Quarter-Sessions*, may chuse Presidents, Deputy-Presidents, Treasurer, and Assistants for their respective Corporations and Work-houses; and the Officers to give Accounts in Writing at every *Quarter-Sessions*.

XXXIV. The said respective Presidents, &c. incorporated, may sue, plead, or be sued, by the Name of President and Governours for the Poor of the said respective Places; and every of the said Corporations may purchase or have Lands not exceeding the Value of 3000 *l. per Annum* without Licence.

XXXV. The said respective Corporations, or any Seven of them, have Power to meet and keep Courts for the Purposes in this Act express'd, at

such Time and Place, as the President, his Deputy, or the Treasurer, shall appoint, who are to warn a Court at the Desire of any Four of the said Corporation, and have Power to appoint a common Seal for the Use of the said Corporation.

XXXVI. The respective Presidents and Governors of the said Corporations, or Two of them, or any Person appointed, may apprehend Rogues, Vagrants, sturdy Beggars, or idle and disorderly Persons, within their respective Limits and Places, and cause them to be set and kept to Work, and the Justices of the Peace in their *Quarter-Sessions* may signify the Names of such Rogues, Vagrants, &c. to the King's Privy-Council, as they shall think fit to be transported to *English* Plantations; upon Approbation of which to the said Justices signify'd, any Two of the said Justices may cause them to be transported from Time to Time during the Space of Three Years next ensuing the End of this present Session of Parliament, to any *English* Plantation beyond Sea, there to be dispos'd as Servants, for a Term not exceeding Seven Years.

XXXVII. Upon Certificate from the respective Corporations of Want of Stock to the City of *London*, the Common-Council of the said City, and respective Justices at the Sessions, may ascertain a Sum not exceeding a Rate of One Year's Proportion to the Poor. And thereupon the Aldermen, Deputies, and Common-Council-Men, of every Ward in *London*, and the Burgeses and Justices of the Peace in *Westminster*; and Justices of the Peace in *Middlesex* and *Surrey*, shall equally rate the Inhabitants; at and upon Complaint by any Person of being unequally rated, he may be reliev'd at the next *Quarter-Sessions*.

XXXVIII. Any

XXXVIII. Any Alderman of *London*, or his Deputy, or the Burgeſſes and Juſtices of the Peace of the City of *Westminster*, and Liberties thereof, or any Two Juſtices of Peace of *Middleſex* and *Surrey*, by Warrant under their Hands and Seals, may authorize the Church-wardens, or Overſeers for the Poor, to demand and gather the ſeveral Sums aſſeſſ'd; and for Default of Payment within Ten Days after Demand, or Notice left in Writing at the Dwelling-house or Lodging of the Perſons aſſeſſ'd, to levy the ſame by Diſtreſs and Sale of their Goods, reſtoring the Overplus to the Party diſtrein'd.

XXXIX. All Stocks formerly rais'd for the Poor, and in the Hands of a Corporation for the Poor in *London*, ſhall be paid to the Treasurers of the ſaid Corporation made by this Act; and all that have any Stocks or Lands in their Hands for that Purpoſe ſhall be accountable to the ſaid Treasurers, or ſuch as ſhall be appointed by them, or any Seven of them; provided all juſt Expences be allow'd them.

XL. The reſpective Preſidents and Governors, or Seven of them, may make Orders and By-Laws, for relieving, regulating, and ſetting the Poor to work, apprehending and puniſhing Rogues and Vagabonds within their ſeveral Limits, provided the ſaid By-Laws be preſented to, and confirm'd by, the Juſtices of the Peace at their *Quarter-Sessions*.

XLI. The Preſident and Governors, or any Fourteen of them, may chooſe and entertain Officers, and others needful to be employ'd, about the Stock or Revenue belonging to the Corporation; and all Sheriffs and Officers to be aiding



to them in the Execution of the Powers by this Act.

XLII. Two Justices of the Peace may appoint and swear New Constables, Headboroughs, &c. in case of Death, or Removal of such Officers out of the Parish; and if for want of holding Leets they continue above the Year, they may be discharged at the Sessions, and others put in.

XLIII. Every Justice of Peace may reward any Persons that apprehend and bring before them any Rogue, Vagabond, or sturdy Beggar, by granting an Order or Warrant under his Hand and Seal to the Constable of the Parish which such Rogue, &c. pass'd thro' unapprehended, for Payment of 2 s. for every Rogue so apprehended, and upon Default of Payment to proceed against such Defaulter according to the Stat. 1 Jac. cap. 7. and to allow out of the said Forfeiture the said 2 s. and Allowance for Loss of Time, as they shall think fit.

XLIV. If any Person shall apprehend a Rogue, Vagabond, or sturdy Beggar, at the Confines of any County, which pass'd thro' another County unapprehended, he may go to some Justice of the Peace of the County thro' which such Rogue or Vagabond pass'd unapprehended, who (upon Certificate under the Hand of some Justice of the Peace of the County where such Rogue was apprehended) shall grant his Order or Warrant under his Hand and Seal to the Constable, to pay unto such Persons 2 s. and what he think fit for Expences and Loss of Time, and upon Refusal, to proceed against such Constable for the Forfeitures by the Statute of 39 Eliz. cap. 4.

XLV. Constables, Headboroughs, and Tything-men out of Purse, with the Church-wardens

dens and Overseers of the Poor, and other Inhabitants of the Parish, may make Rates upon all Occupiers of Lands, and Inhabitants, and all others chargeable by the Statute 42 *Eliz.* to the Poor, which being confirm'd under the Hands and Seals of Two Justices of the Peace, may be levy'd by their Warrant, by Distress and Sale of the Refuser's Goods.

XLVI. Putative Fathers of Bastard-Children, leaving their Children upon the Parish oftentimes, the Church-wardens and Overseers for the Poor of the said Parish where the Child is born may seize and take so much of the Goods and Chattels, and of the Rents and Profits of the Lands of such reputed Fathers or Mothers, as shall be order'd by Two Justices of the Peace, for and towards Discharge of the Parish, for providing for such Bastard; and by Order of the Sessions may sell the said Goods, or so much thereof as the Court shall think fit, and so much of the Rents and Profits of the Lands for the said Purposes.

XLVII. The Defendant sued for any Thing done upon this Act, may plead the general Issue, and upon Verdict for him, Nonsuit, or Discontinuance, shall recover treble Damages.

XLVIII. The Poor of the Counties of *Lancashire, Cheshire, Darbyshire, Yorkshire, Durham, Cumberland, and Westmorland*, and other Counties of *England and Wales*, shall be maintain'd, and set on Work within their respective Parishes, according to the Intent of this Act, and in case of Default, the several Penalties herein to be incurr'd: And the Justices of the Peace in the said Counties may execute all Powers there, under the  
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like Penalties as in the Statute of 43 *Eliz. cap. 2.* to be levy'd therein mention'd.

**XLIX. *Proviso***, impowering the Justices of the Peace in their *Quarter-Sessions* to transport convicted Rogues, Vagabonds, and sturdy Beggars, to *English Plantations* beyond the Seas.

**L. *Proviso***, for saving the Franchises and Liberties of the Dean and Chapter of *Westminster*; and this Act, as to all Matters (except what relates to the Corporations) to continue till the End of the first Session of the Parliament after the 29th of *May* 1665, and no longer.

By Stat. 22 and 23 *Car. 2. c. 18.* 'tis Enacted, That the Officers of the Corporations erected and constituted in Pursuance of the Act 14 *Car. 2. cap. 12.* shall make Quarterly Accounts to the Justices of Peace, and are not to raise any more Money upon new Certificates, till there be a just Account given to and allow'd by the Justices of Peace aforesaid. Debts contracted for the Uses express'd in the said Act, shall upon Order from the Justices aforesaid be discharg'd by the respective Treasurers, and allow'd in their Accounts.

No Sums to be lev'd upon any of the said respective Parishes, shall in One Year exceed the Fourth Part of the Assessment to the Poor for that Year; which Sums shall be paid at Two several Payments to the Treasurers, *viz.* at *Michael* and the Annunciation, or within Fourteen Days after.

No Assessment shall be laid on any of the Parishes aforesaid, after the 29th of *September* 1675.

Nothing herein contain'd shall alter or vacate any of the Powers given, by the former Act, to the Lord Mayor and Governour for the Corporation within *London*, or the Parish of *St. Margaret's Westminster*.

By Stat. 1 *Jac.* 2. cap. 17. The Act of 13 & 14 *Car.* 2. entituled, *An Act for the better Relief of the Poor of this Kingdom*, (except what relates to the Corporations thereby constituted,) shall be in Force from the First Day of this present Session of Parliament for Seven Years, and from thence to the End of the next Session of Parliament.

And whereas poor Persons, at their first coming to a Parish, do commonly conceal themselves the Forty Days intended by the said Act to make a Settlement, shall be accounted from the Time of their Deliveries of Notice in Writing of their Houses of Abode, and the Number of their Family, if they have any, to one of the Churchwardens or Overseers of the Poor of the said Parish.

Reviv'd as to what relates to Settlements of Poor. *Per* 3 & 4 *W. & M.* Sess. 3. c. 11. Which is in this Treatise set forth at large at the Beginning of *Chap.* 11.

Continu'd to all, except what relates to Corporations, *per* Stat. 4 & 5 *W. & M.* Sess. 4. cap. 24. Sect. 11.

By Stat. 5 *Anna*, cap. 34. An Act for continuing the Laws therein mention'd, relating to the Poor, &c.

That the Act of 13 & 14 *Car.* 2. cap. 12. for the better Relief of the Poor of this Kingdom, which by 3 & 4 *W. & M.* cap. 11. (as to what related to the Settlement of the Poor) was enacted to be in Force

Force from *May* 1. 1691. but no Continuance thereby made, as to divers other Parts of the said Act, which said Act, for the better Relief of the Poor, &c. as to all Parts not continu'd by the said Act of 3 & 4 W. & M. (except what relates to Corporations) mention'd in the said Act for the better Relief of the Poor, was by 4 & 5 W. & M. cap. 24. continu'd for the Space of Seven Years from *Febr.* 13. 1692. and from thence to the End of the next Session of Parliament; which said Act by 11 & 12 W. 3. cap. 13. was continu'd for Seven Years, from 29 *September* 1700, shall be in Force from 25 *March* 1707, (except what relates to the Corporations therein mention'd, and thereby constituted) for Seven Years, and from thence to the End of the next Session of Parliament.

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*Vagabonds, Rogues, Beggars, and poor People.*

*Stat. 39 Eliz. 4.*

I. Justices of Peace within every County and Corporation, have Power in Sessions to give Order for Erection of Houses of Correction, and also for the Maintenance and Government of the same; and for the Punishment of Offenders, which shall be thither committed.

II. All Scholars and Seafaring Men which beg; All wandering Persons which either beg, use unlawful Games and Plays, feign themselves to have Skill in Physiognomy, Palmistry, or the like, or pretend to tell Fortunes; All Persons that are, or pretend to be Collectors for Gaols, Hospitals, &c. All Fencers, Bearwards, com-

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mon Players, and Minstrels wandering abroad, other than such as shall be authoriz'd by Noblemen, under their Hands and Seals; All Jugglers, Tinkers, Pedlars, and Petty-Chapmen wandering abroad; All Labourers which wander and refuse to work for Wages reasonably tax'd, having no Living otherwise to maintain themselves; All Persons deliver'd out of Gaols, which beg for their Fees, or otherwise do travel begging; All which wander abroad begging, pretending Loss by Fire, or otherwise; And all such Persons (not being Felons) wandering, and pretending themselves to be *Egyptians*, shall be adjudg'd Rogues, Vagabonds, and sturdy Beggars.

III. If any such Vagabond shall be taken begging, wandering, or misordering him or her self, he or she, by the Appointment of any Justice of Peace, Constable, Headborough, or Tything-man there, (the two last being assisted by the Minister, and one other of the Parish) shall be stripped naked from the Middle upwards, openly whipped till their Body be bloody, and forthwith sent the next Way from Parish to Parish, by the Officers of each Parish, towards the Place of their Birth: But if it cannot be known, then towards the Place where they dwelt, by the Space of one whole Year before such Punishment; and if that cannot be known, then to the Town thro' which they last pass'd without Punishment; and if it cannot be discovered where they were born, or last dwelt, as aforesaid, then are they to be conveyed by the Officer there to the House of Correction, or common Gaol of the County, to be employed in Work, or placed in some Service, and so to continue by the Space of one Year; or in case they be not able in Body, that Town is to keep



keep them till they may be placed in some Almshouse within the same County.

IV. After which Whipping, the Vagabond shall have a Testimonial under the Hand and Seal of the said Justice, Constable, Head-Officer, Tything-man, and Minister, or any two of them, testifying the Day and Place of his Punishment, the Place to which he is to be convey'd, and the Time limited for his Passage thither; which Time, if by his own Default he exceeds, he shall from Time to Time incur the like Punishment, till he arrive at the Place limited; the Substance of which Testimonial, shall be registred by the said Minister, in a Book provided for that Purpose, in Pain of 5 s.

V. If any such Rogue seem dangerous, or will not be reform'd, Two Justices of the Peace, (one of the *Quorum*) shall commit him to the House of Correction; and if at the next Quarter-Sessions, by the more Part of the Justices there, he shall not be thought fit to be deliver'd, he shall by them be banish'd, and at the Charge of that County, shall be convey'd to such Parts beyond the Sea, as shall, by Six or more of the Privy-Council for that Purpose, be assign'd, whereof the Lord Keeper or Treasurer to be one; otherwise adjudg'd to the Gallies of the Realm, as the said Justices shall think fit: And if a Rogue so banish'd return without Licence, he shall suffer as a Felon, to be try'd in the County where he shall be apprehended.

VI. If a Constable, Headborough, or Tything-man, be found negligent in the due Execution of this Act, they shall forfeit 10 s. for every Default; and none shall make Rescous against any Officer, or

or hinder the Execution of this Law, in Pain of 5*l.* and to be bound to the good Behaviour.

VII. None shall transport such a Rogue out of *Ireland, Scotland, or the Isle of Man*, (being born in any of these Places) in Pain to forfeit 20*s.* to the Use of the Poor where he lands: And if any then shall be hereafter found in *England or Wales*, they shall suffer Punishment, and be convey'd the next Way home as aforesaid, or (in case they came by Sea) to the Place where they landed; from whence they are to be transported, at the Charge of that County, to the Place from whence they came.

VIII. No impotent poor Person shall pass to the *Bath or Buxton*, without being licens'd to pass, by Two Justices of Peace where they dwell, and provided with Relief, both for their Journey and Abode there, and shall also return within the Time limited by their Licence, in Pain to be reputed and punish'd as Rogues: And the City of *Bath*, or Town of *Buxton*, shall not be chargeable with any such.

IX. Justices of the Peace of the Counties shall not intermeddle in Cities or Corporations, but only the Officers of the same, who shall have like Power there, as the said Justices have in Counties.

X. This Act shall not extend to restrain the Power which the City of *London* hath in the Government of *St. Thomas Hospital* in *Southwark*, or to prejudice any Jurisdiction or Inheritance of *John Dutton*, of *Dutton*, in the County of *Chester*, Esquire.

XI. The Forfeitures and Fines which shall accrue by this Act (other than that above otherwise limited) shall be employ'd for the Maintenance

nance of Houses of Correction, or the Relief of the Poor where the Offence shall be committed, at the Discretion of the said Justices of Peace, and may be levy'd by Warrant under the Hands and Seals of Two Justices of Peace, by Distress and Sale of Goods. And here the Confession of the Offender, or Proof by Two Witnesses before Two such Justices, shall be sufficient Conviction.

XII. Two Justices of Peace (one of the *Quorum*) shall have full Power to hear and determine all Causes which may come in Question by reason of this Act.

XIII. The Lord Chancellor or Keeper for the Time being shall have Power to make Commissioners, to enquire of Money given towards the Erection or Maintenance of Houses of Correction, Stocks for Poor, or other such like Uses.

XIV. A Seafaring Man suffering Shipwrack, not having wherewithal to relieve himself, and having a Testimonial under some Justice of Peace his Hand and Seal near the Place where he landed, declaring the Time and Place of his Landing, the Place of his Dwelling or Birth, unto which he is to pass, and the Time limited for his Passage, may in the direct Way home, and within the Time so limited for his Passage, ask and receive necessary Relief without incurring the Penalties of this Act.

XV. This Act shall not extend to Children under Seven Years old, nor to Glas-men, which travel without begging, by Licences under the Hands and Seals of Three Justices of Peace (one of the *Quorum*) of the County thro' which they travel.

XVI. Stat.

XVI. *Stat. 39 Eliz. 17.* Wandering Soldiers and Mariners, and all others wandering as Soldiers or Mariners, which will not settle themselves to work, or have not a Testimonial under the Hand of some one Justice of Peace near the Place of their Landing, setting down the Place where they landed, the Place whither they are to pass, and the Time of their Passage, or having a Testimonial, exceed the Time therein limited above Fourteen Days, or counterfeit Testimonial, or produce one which they know to be counterfeit; shall in all these Cases suffer as Felons, without Benefit of Clergy.

XVII. Justices of Assize, Gaol-delivery, and of Peace, in their Sessions, have Power to proceed against these Offenders, as in case of Felony, without Clergy; unless some sufficient Man (allow'd by the Justices) will enter into Recognizance of 10*l.* to the Queen, to retain the Offender for One whole Year, and to bring him to the next Sessions of Peace, and Gaol-delivery after the Year ended. And if he within the Year depart that Service without Licence, he shall afterwards suffer as a Felon without Clergy.

XVIII. Soldiers and Mariners, which fall sick in their Passage home, shall be excus'd, tho' they exceed the Time limited in their Testimonial, so that they perform this Act in convenient Time after their Recovery.

XIX. If when they come home they cannot get Work, the Two next Justices (upon their Complaint) shall take Order, that they may be provided of Work, or otherwise shall tax the whole Hundred for their Relief, until Work may be had.

XX. The

XX. The Soldier or Mariner (licens'd by a Justice of Peace to whom he shall make his Poverty known) having not wherewith to bear his Charges home, may ask and take Relief, so it be in his direct Way home, and within the Time limited by his Licence.

XXI. These Offences shall cause no Corruption of Blood.

XXII. *Stat. 1 Jac. 7.* Noble Personages shall authorize none to go wandering abroad; and Glas-men shall be reputed and us'd as Rogues, notwithstanding the Statute of 39 *Eliz. 4.*

XXIII. Instead of banishing an incorrigible Rogue, or committing him to the Gallies, (as was ordain'd by 34 *Eliz. 4.*) he shall in open Sessions be branded in the left Shoulder with a Burning-Iron, having a great Roman R upon it as broad as a Shilling, and from thence shall be sent to the Place of his last Dwelling; if that cannot be known, to the Place of his Birth: After which Time, if he offend again, he shall suffer as a Felon, without Benefit of Clergy.

XXIV. Every Person that seeth or knoweth any Rogue to beg, shall convey, or cause him to be convey'd, to the next Constable or Tything-man, in Pain of 18 s. to be levy'd and employ'd as the Forfeitures of 39 *Eliz. 4.* and in Default thereof, then by the Lord of the Leet, or his Officer, in like Manner as the Persons authoriz'd by the said Statute should have levy'd and employ'd the same. And here also, if the Constable or Tything-man do not punish him according to that Statute, he shall forfeit 20 s. to be also levy'd and employ'd as by the same Statute is appointed.

By

By Statute 11 & 12 W. 3. c. 18. 'tis Enacted,

I. That if any Vagabond, Beggar, &c. be brought to any Constable, or other other Officer, with a Pass, or other Writing, to be reliev'd or convey'd; such Vagabond, &c. shall be taken by the Constable before the next Justice of Peace, who shall carefully examine such Persons, and, as the Case requires, either send them to the House of Correction, or to such Town of the next County as he shall think most proper, giving the Constable a Certificate of the Persons so order'd to be punish'd or convey'd, with the Manner how, and when, and whence convey'd, and with what Assistance.

II. And the said Justices shall tax the Allowance to the Constable on the Back of such Certificate, which being deliver'd to the chief Constable, he is to pay it out of the Gaol and Marshalsea-money, delivering the Receipt for it to the Treasurer of the County, who shall discount the same, and be allow'd it on his Treasurer's Account: And if the Gaol and Marshalsea-money have not a Surplus, the Justices at the Quarter-Sessions shall raise the Money as they do for Gaols and Bridges, and pay the chief Constable a Quarter's Payment before-hand for the said Purposes.

III. But the petty Constables shall not charge the Place, &c. for such Relief or Conveyance.

IV. Constables neglecting their Duty, or to apprehend such Vagabonds or wandering Beggars, shall forfeit 20 s. One Fourth to the Informer, and Three Fourths to the Poor, to be levy'd by Warrant of any Justice of Peace on the Oath of one Witness.

V. This



V. This Act to continue for Three Years from the 24th of *June*, 1700. and thence to the End of the next Session of Parliament.

VI. The several Ridings, Divisions of Counties, Liberties and Towns Corporate, shall be taken as Counties at large in the Execution of this Act.

VII. A Clause touching the Hospital of *Trinity-house* in *Kingston upon Hull*. *Vide* the Statute.

*The Resolution of the Judges concerning Rogues, &c. set forth in the Second Book of Mr. Lambard, Chap. 7. p. 207, &c. To which the Lord Coke, in 2 Instit. 735. doth refer, which Mr. Lambard there saith, were ascrib'd to Her Majesties Justices at Westminster.*

*Thus (saith he) they stand in my Copy.*

I. **A** Rogue affirmeth, That he was born in such a Town in such a County; then ought he to be sent thither, if it may not otherwise appear, that he was born elsewhere: And if he were not born there in Truth, that he is to be said an incorrigible Rogue, and is to be sent thence to the House of Correction in the County to which he is sent; and if there be none there, then to the Gaol, until the next Sessions, there to be dealt with according to the Statute.

II. The same Course is to be observ'd, if it appear not where he was born, or if he untruly affirm, that he was last dwelling in such a Town in such a County, by the Space of a Year, and was not.

III. If the Husband and Wife have a House, and the Husband or Wife Rogue about, they ought to be sent to the Town where that House is: And so of an Inmate.

IV. The Wife and Children (under Seven Years of Age) being vagrant, must go and be plac'd with the Husband. If the Husband be dead, then with the Wife where she was born or dwelt: And the vagrant Children (above Seven Years of Age) must be sent to the Place of their Birth: And if the vagrant Parents with their Children (under Seven Years) be plac'd at the Place of Birth of their Parents, or at the Place of last Dwelling (as the Case shall fall out), if afterwards the Parents or either of them die, or run away, yet the Children once settled must remain there still, and may not be sent to their Place of Birth, tho' after they grow above the Age of Seven Years.

V. The Wife being a vagrant Rogue, ought to be sent to the Husband, tho' he be but a Servant in another Town.

VI. The Rogue whose Place of Birth (or Dwelling) cannot be known, hath Wife and Children under Seven Years of Age, they must go with the Husband to the Place where they were last wilfully suffer'd to pass without Punishment; where the Children must be reliev'd by the

Works of their Parents, tho' the Parents be committed to the House of Correction.

VII. If any (not being Rogues) shall travel with their Children thro' a Town, and the Father or Mother die, or run away, the Town is not bound to keep them where they die, nor to send them away, but only in Charity, except they become wandering Beggars.

VIII. If the Parents be able to work, and may have Work, they are to find their Children by their Labour, and not the Parish; but if they be over-burthen'd with Children, it shall be a very good Way to procure some of them to be plac'd Apprentices, according to the Statute.

IX. No Man is to be put out of the Town where he dwelleth, nor to be sent to their Place of Birth (or last Habitation), but a vagrant Rogue, nor to be found by the Town, except the Party be impotent, but ought to set themselves to Labour, if they be able, and can get Work; if they cannot, the Overseers must set them to Labour: And so of them that have or shall have Houses, when their Estates be expir'd, and Servants whose Time of Service is ended, tho' they cannot get Houses: For they must provide themselves Houses a-new, if they be not impotent.

X. Such Persons as be of any Parish, and have able Bodies to work, and be no Wanderers abroad out of the Parish, tho' they refuse to work at such Wages as are tax'd (or commonly given) in those Parts, are notwithstanding not to be sent to the Place of their Birth, or last Dwelling, by the Space of a Year, but to the House

of

of Correction, upon Consideration had of both the Statutes of the Poor and Rogues. But if they have any lawful Means to live by, tho' they be of able Bodies, and refuse to work, yet are they not to be sent to the House of Correction.

XI. Such as will remove or put any out of their Parish that be not to be put out, this is against the Statute concerning the Relief of the Poor, and finable: And if any have been so sent, they may be sent back again.

XII. If any be sent to a Town whereto he ought to be sent, and is refus'd, (being a sturdy or an impotent Rogue,) the Persons refusing shall forfeit Five Pounds, and he that is so to be sent, is to be offer'd to the Church-wardens and Overseers.

XIII. To send the Rogues by a General Passport, without conveying them from Parish to Parish, is a Let to the conveying of Rogues according to the Statute, and so a Forfeit of Five Pounds upon them. And to go with such a Passport, is but still to continue a Rogue, to be punish'd by Whipping.

XIV. If the Officer will not receive a Rogue, to convey him to the Place where he was born (or dwelt), this is a Forfeiture of Five Pounds in the Officer, that shall not receive the Party to convey him or her over.

XV. None may be suffer'd to take Relief at any Man's Door, tho' within the same Parish, unless it be by Order of the Overseers, according to the Statute; neither may any be suffer'd to beg by the Highways, tho' in their own Parish.

XVI. By this Word [*Parents*] is understood a Father or a Grandfather, Mother or Grandmother, being Persons able.

XVII. Within the Word [*Children*] is included any Child, or Grandchild, being able. *Vide Stat. 43 Eliz. c. 2.*

XVIII. Parsons, or Vicars, &c. be bound (as Inhabitants) to the Relief of the Poor, as well as others that inhabit within the Parish.

XIX. Every one that hath Tythes impropriate, Coal-mines, or Lands in manual Occupation, &c. is chargeable; and so for such as have Saleable Woods, proportioning the same to an Annual Benefit.

XX. If there be but one Church-warden in the Parish, he sufficeth with the other Four Overseers.

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*Other Resolutions of the Justices of the Assizes, 1633. set forth at large in Dalton's Justice of the Peace, last Edit. 162, &c. to which this Treatise and others oftentimes refer.*

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*I. Of enforcing Persons able to take Apprentices.*

R. **T**Hat the Statute of 43 Eliz. which saith,  
That Church-wardens and Overseers of  
the Parish shall put out Children to be Appren-  
tices, necessarily implieth, that such as are fit  
must receive Apprentices; and the putting out  
poor Children to be Apprentices, is one of the best  
Ways for the providing for the Poor.

*II. Of giving Money with Apprentices.*

R. There is no Necessity that Money must be  
given, but that must be left to the Direction of  
the Church-wardens and Overseers, all Cir-  
cumstances of Age and Ability being consider'd;  
and if they cannot agree with the Party, then  
the Justices of Peace near adjoining, or in their  
Default the Sessions of Peace, are to determine  
these Controversies.



III. *What Persons are bound to entertain Apprentices.*

R. Every Man who is by Calling or Profession, or Manner of Living, that entertaineth, and must have Use of other Servants of the like Quality, must entertain such Apprentices, wherein Discretion must be given upon due Consideration of Circumstances.

*But Note, This is since otherwise adjudg'd.*

IV. *Whether a wealthy private Person may be inforc'd to take such an Apprentice?*

R. For the receiving of such Apprentices, the Answer may be referr'd to the Question next before: But out of Doubt, every such Person must contribute to the Charge, as to other Charges for the Provision for the Poor.

V. *When such Apprentices may be put unto other Parishes?*

R. The Justices may provide Masters for them in other Parishes within the same Hundred; if the same Hundred be not able, then out of that Hundred in the rest of that County, as for other Provision for the Poor, which must be at a Quarter-Sessions.

VI. *Of Persons refusing to take such Apprentices.*

R. If any refuse, let such a one be bound over to the Sessions, or Assizes; if he refuse to give such Bond, let him be sent to the Gaol, there to remain until he shall give such Bond.

VII. *What*

VII. *What if he shall refuse at the Sessions, and what if the Parents refuse, &c.*

R. If at the Sessions or Assizes such a one refuseth to take an Apprentice, and his Excuse be not allow'd, it is fit he be bound to the good Behaviour; and it will be a good Course to indict such a Refuser for a Contempt, and thereupon to fine and imprison him: If he refuse to be bound to the good Behaviour, let him be imprison'd till he will; and the King's Book of Orders directs, That such be bound with good Sureties to appear at the Council-board: And if the Parents of such poor Children refuse to suffer their Children to be bound Apprentices, or being bound entice them away, themselves not being able to maintain them, let them be committed to the House of Correction.

VIII. *Is concerning mitigating Fines at the Sessions, upon the Submission of the Party indicted.*

And allow'd they may impose a moderate Fine.

IX. *Is to the like Purpose upon the Party's confessing the Fact.*

A like Answer.

X. *This is concerning a Discharge of all, or part of the Forfeiture upon a Conviction for Drunkenness, Tippling, &c.*

Answer'd in the Negative.

XI. *This is concerning a Constable's breaking open an unlicens'd Ale-house, upon a Second Conviction to apprehend the Party.*

R. This Question is to be advis'd upon, &c. in the Particular where it appeareth.

XII. *Of the Settlement of a Woman gotten with Child.*

R. The Place where such a Woman was lawfully settled, is the Direction in his Case, not where she was begotten with Child.

XIII. *A Woman gotten with Child, if her Master is to provide for her till her Delivery?*

R. If the Master has legally discharg'd his House of such a Servant, he is no more bound to provide for her than for any other.

XIV. *Whether the Tenants in ancient Demesne within a Parish shall contribute with the Guildable for Relief of maimed Soldiers, &c.*

R. The Statute doth not distinguish between the Ancient Demesne and the Guildable in these Cases: *Ubi lex non distinguit, ibi nec nos distinguimus.*

XV. *Concerns an Indictment of Forcible Entry to be remov'd by Certiorari.*

R. 'Tis fit to be left to the Court of B. R.

XVI. *This relates to driving Cattle on the Sunday, &c.*

R. But One Forfeiture of 20 s. tho' he drives thro' several Parishes.

XVII. *Con-*

XVII. *Concerning Persons able not putting themselves to Service after Warning.*

R. Such Persons being out of Service, and not having visible Means of their own to maintain themselves without their Labour, and refusing to serve as an hir'd Servant by the Year, may be bound over to the next Sessions or Assizes, and to be of the good Behaviour in the mean Time, or may be sent to the House of Correction.

XVIII. *Taxes for the Poor, how to be made according to the Statute.*

R. The Land within each Parish is to be tax'd to the Charges, in the First Place equally and indifferently, but there may be an Addition for the Personal Visible Ability of the Parishioners within the Parish, according to good Direction, wherein if there be any Mistaking, the Sessions, &c. or the Justices, may judge between them.

XIX. *Whether Shops, Salt-pits, Profits of a Market, &c. be taxable to the Poor, as well as Lands, Coal-Mines, and express'd in the Statute 43 Eliz.*

R. All Things which are real, and a Yearly Revenue, must be tax'd to the Poor.

XX. *Tax for the County-stock, Gaol, and House of Correction, how to be made.*

R. If the Statute in particular Cases give no special Direction, it is good Discretion to go according to the Rate of the Taxation for the Poor; but when the Statutes themselves give Direction, follow that.

**XXI. Tax for the Charges of Petty-Constables.**

R. It is fit to relieve the Constable and Tything-men, in such Sort hath been used in the several Places where they live.

**XXII. Concerning a Justice's discharging a Woman-servant with Child out of her Service.**

R. If a Woman, being with Child, procure herself to be retain'd with a Master, who knoweth nothing thereof, this a good Cause to discharge her from her Service; and if she be gotten with Child during her Service, it is all one: But the Master in neither Case must turn away such a Servant of his own Authority. But if her Term be ended, or she lawfully discharged, the Master is not bound to provide for her; but 'tis a Misfortune laid upon the Parish, which they must bear, as in other Cases of Casual Impotency.

**XXIII. Bastard-Children, how to be dispos'd.**

R. The Bastard-Child must be placed with the Mother, so long as it is within the Quality or Condition of a Nurse-Child, which shall be till Seven Years of Age, and then it is fit to be sent to the Place of its Birth to be provided for, the Mother or reputed Father not being able. And the Parish where the Child is born shall not be forc'd to contribute to the Charge as long as the Mother lives, and the Child be under Seven Years Old.

**XXIV. *H***

XXIV *If Illegal Unsettlement is to be allowed?*

R. If a Man or Woman having House or Habitation in One Parish be thrust out, this is an Illegal Unsettling, which the Law forbiddeth; for none must be inforc'd to turn Vagrant: And such one must be return'd to the Place where he or she was last lawfully settled, and the Child also born in the Time of this Distraction.

XXV. *Upon an Apprentice's being put out in another Parish, where the Master dies.*

R. Servants and Apprentices are by Law settled in that Parish; and if they become Impotent there, the Parish must abide the Adventure after their Term or Time of Service be lawfully ended.

XXVI. *What is accounted a Lawful Settling in a Parish, and what not.*

R. That every one who is settled as a Native, Householder, Sojourner, an Apprentice, or Servant, for a Month at the least, without a Just Complaint made to remove him or her, shall be held to be settled.

*Note,* This is since alter'd by several Statutes.

XXVII. *Upon a Rogue's misconfessing the Place of his Birth or Habitation, and being whipp'd, and sent to S. his Birth is there known to be at W.*

R. In this Case it is fit to send such a Rogue to the Place of his Birth; for this at S. is but a Mistaken, and no Legal Settling.

XXVIII. *In*



**XXVIII.** *In what the Gaol may be deliver'd at the Sessions.*

*R.* Of Petty-Larcenies and Petty-Felonies.

**XXIX.** *Constable Elect refuseth his Oath, &c.*

*R.* 'Tis a Contempt finable, and a Deputy is rather by Tolleration than by Law.

**XXX.** *Constable dying, how to be supplied.*

*R.* By the Lord of the Leet, Sessions, or next Justices.

**XXXI.** *Constable unfit, how to be remov'd.*

*R.* The Justices may help it, and 'tis a Cause to seize a Lord's Liberty.

**XXXII.** *Concerning a Nurse-Child; Scholar, Bastard in a Gaol, Houses of Correction.*

*R.* A Nurse-Child, or a Scholar at the Grammar-School or at the University, or Persons sent to, the Common Gaol, Hospital, or House of Correction, are not to be esteem'd as Persons to be settled there, more than Travellers in their Inns; but their Settling is where their Parents are settled. And Children born in Common Gaols, and Houses of Correction, their Parents being Prisoners, are to be maintain'd at the Charge of the County.

**XXXIII.** *What Proportion shall Parsonages or Tythes bear to the Taxation of the Poor of the Parish.*

*R.* The Parson, or Vicar Presentative, shall bear according to the Reasonable Value of his Par-

Parsonage, having Consideration to the Just Deductions.

XXXIV. *Whether poor Men not to be removed may be placed as Inmates for a Time?*

R. They may, by Express Words of the Statute of 43 Eliz.

XXXV. *Concerning what Relief upon the bringing of Strangers into the Parish by a Parishioner.*

R. By taxing such an one to the Charge of the Rates of the Poor, not only having respect to his Ability, or the Lands he occupies, but according to the Dammage and Danger he bringeth to the Parish by his Folly.

XXXVI. *Concerning Warding in the Day-time for apprehending Rogues.*

R. Warding in the Day-time is of great Use, and must be left to the Discretion of the Constables, or Directions of the Justices, to vary according to the Occasion.

XXXVII. *Concerning moderating the Number of Ale-houses.*

And approved to be moderated.

XXXVIII. *If one procure himself the King's Servant Extraordinary, to avoid Constable.*

R. A Servant Extraordinary may well perform his Ordinary Service in the Country, according to his Quality.

*Note,*

*Note*, The Publisher of the last Edition of *Dalton*, Page 161, says, The Authority of these Resolutions are not very great, being only put to Judge *Heath* in the Circuit, and that brought them into *Serjeants-Inn-Hall*; but the Judges there differing in Opinion from him in many Things, they never came to any Resolution, and so they were no more than his own Private Opinion.

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### *Vagabonds.*

*Stat. 7 Jac. 4.*

I. **T**HERE shall be an House of Correction provided in every Shire, to set Rogues and other idle People to Work.

II. The Justices in Sessions shall from Time to Time appoint a Governour for the said House, who shall have Power to set such Rogues and idle People to Work, and to punish them by moderate Whipping, or putting Fetters and Givies on them; which Rogues and idle Persons shall not be chargeable to the Country, nor have other Allowance than what they shall deserve by their own Labour.

III. The said Justices shall, at least Twice every Year within their several Divisions, (and oftner if need be) assemble and meet together for the better Execution of this Statute; and some Four or Five Days before their Meeting, shall by Warrant command the Constable and Tythingmen of every Hundred, Town and Hamlet, (being

ing assisted with other sufficient Men,) to make a general Privy Search in one Night within their several Precincts, for the finding and apprehending of Rogues, &c. and such as shall be found, to bring them to the said Meeting, to be examined, punished, or sent to the House or Houses of Correction, there to be set to Work.

IV. The said Constables and Tything-men shall appear at the said Meeting, and there give an Account upon Oath in Writing, under the Master's Hand, testifying the Rogues, &c. they have taken in the last Search, or since the last Meeting, and how many have been punished, or otherwise sent to the House of Correction: Which if they neglect to do, or safely to convey such to the House of Correction, as by the said Justice's Warrant shall be committed thither, they shall incur what Fine the said Justices shall please to set upon them, so it exceed not 40 s.

V. The Governours of the Houses of Correction shall have such a Sum of Money yearly as shall be thought fit by the more Part of the Justices of Peace in Sessions, the same to be paid Quarterly beforehand by the Treasurers of the County, the Governours giving Security for their Continuance in the said Service.

VI. If any lewd Woman have a Bastard which may be chargeable to the Parish, the Justices of Peace shall commit her to the House of Correction, there to be punished, and set to Work one whole Year: And if she offend again, then she is to be committed again, there to remain till she put in good Sureties for the good Behaviour, and not to offend so again.

VII. Persons running away, and leaving their Charge to the Parish, shall be deemed and punished

nished as incorrigible Rogues : And those that threaten so to do, (it being proved by Two Witnesses upon Oath before Two Justices of the Peace of the same Division) shall be by the same Justices sent to the House of Correction, there to be punished as sturdy Rogues, (unless they put in sufficient Sureties to discharge the Town,) and not to be delivered but at such a Meeting as aforesaid, or in open Sessions.

VIII. If the Governours shall not every Quarter-Sessions yield to the said Justices a true Account of all such Persons as shall be committed to their Custody ; or if they suffer any within their Charge to make Escape, or to be troublesome to the Country by going Abroad, or otherwise, they shall incur what Fine the same Justices in Sessions shall think fit to impose upon them.

IX. All Fines which shall accrue by this Act, (other than those already limited,) shall be paid to the Treasurers of the County, and by them be accounted for.

By *Stat. 11 & 12 W. 3. ca. 18.* If any Vagabond, Beggar, &c. be brought to any Constable or Officers with a Pass, or other Writing, to be relieved or conveyed, such Vagabond, &c. shall be taken by the Constable before the next Justice of Peace, who shall carefully examine such Persons, and send them to the House of Correction, or to such Town of the next County through which such Persons are to pass, as he shall think proper, giving the Constable a Certificate of the Persons ordered to be punished or conveyed, with the manner how, when, and whence conveyed, and with what Assistance.

The

The Justices shall tax the Allowance to the Constable on the Certificate, which being delivered to the Chief Constable, he is to pay out of the Gaol and Marshalsea Money, delivering the Receipt of it to the Treasurer of the County, who shall be allowed it on his Account. And if the Gaol and Marshalsea-Money have not a Surplus, the Justices at the Quarter-Sessions shall raise the same as they do for Gaols and Bridges, and pay the Chief Constable a Quarterly Payment beforehand for the said Purpose. Petty-Constables shall not charge the Place for such Relief or Conveyance.

Constables neglecting their Duty, or to apprehend such wandring Beggars, shall forfeit 20 s. &c. to be levied by Warrant of a Justice of Peace, on Oath of One Witness.

The several Ridings, Divisions of Counties, Liberties, and Towns Corporate, shall be taken as Counties at large, in the Execution of this Act.

By 1 *Ann. Stat. 2. ca 13.* it is Enacted, That 11 *W. 3. ca. 18.* shall extend to all Vagrants, and the Justices at every Quarter-Sessions, during the Continuance of this Act, to set down the Rates for the Year ensuing, to be allowed for conveying Vagrants thro' their Liberties; and the Clerk of the Peace to give each Justice a Copy of the Rate *Gratis.*

No High-Constable to pay the Rate taxed on Certificate brought to him by the Petty-Constable, unless he produce the Receipt of the Constable of the adjacent County (to whom the Vagrant was to be delivered) of his Receipt of the Vagrant. The Constable or other Officers neglecting their Duty to pay 20 s.

By



By 2 *Ann. ca.* 6. Lewd and disorderly Servants, Rogues, Vagabonds, and sturdy Beggars, may be taken up, and sent to Sea-Service, in manner as directed for Vagrants by 11 *W. 3. cap.* 18.

By *Stat. 5 Ann. cap.* 32. That the *Acts* 11 & 12 *W. 3. cap.* 18. & 1 *Ann. Stat.* 2. *cap.* 13. and every Clause therein relating to Vagrants, shall continue from the Expiration of the last mentioned Act for Seven Years, and from thence to the End of the next Session of Parliament.

That where the Gaol and Marshalsea-Money shall not be sufficient to satisfy Constables and others for their Loss of Time, and Expences in passing Vagrants, the General Quarter-Sessions shall assess, on every Parish and Place, such Sums of Money as are reasonable for Satisfaction of such Allowances: The Money assessed to be levied according to the Rules by any Acts in force prescribed for levying of Money for repair of County-Bridges; and the Money so levied to be disposed of, as by Order of such Quarter-Sessions shall be appointed.

Where there are Two or more Treasurers for One County or Division, the Treasurers thereof shall give Obedience to such Orders as shall be made at the First General Quarter-Sessions to be held for every County or Division, for the Discharge of such Sums as shall arise by the conveyance of Vagrants through every such County or Division.

Provido, that such Charges be levied according to the Customary Rate of Gaol or Bridge-Money; and that no such Order shall be effectual, till such Treasurer to whom directed have sufficient in his Hands.

If

If any such Persons find themselves grieved by Demands for Disbursements which any the Constables, Headboroughs, &c. shall require of the Parishes or Towns, or by any Tax or other Act relating to any the aforesaid Demands, such Persons may appeal to the next General Quarter-Sessions, and the Judgment of the Quarter-Sessions shall conclude all Parties.

The Justices of the Peace, Chief Magistrates, and other Officers in Liberties and Towns Corporate, shall in certifying and conveying of Passengers, Vagabond-Beggars, and Idle Persons, and raising and paying of Money, act in such Liberties and Towns as they by the said Acts were empower'd to do in Counties at large.

*Plague. (Vile postea.)*

*Stat. 1 Jac. c. 31. continued by 3 Car. 1. c. 5.*

I. **T**HE Mayor, Bailiffs, Head-Officers, and Justices of Peace in a Corporation, or any Two of them, have Power to tax the Inhabitants there towards the Relief of such as are infected with the Plague, and to make Warrant, under their Hands and Seals, for any Person to levy the said Tax upon the Goods of such as shall refuse or neglect to pay the same; and in case no Goods can be found to satisfy the Tax, (upon the Party's Refusal thereof), to commit him to Prison; there to remain until the Tax be satisfied.

II. If the Corporation be not able to relieve the Persons infected, upon Certificate thereof to the  
Juces

Justices of the Peace of the Country thereunto adjoining, or any Two of them, by the said Officers and Justices of the Town, or any Two of them, the said Justices of the County shall have like Power to tax, levy, and imprison, as aforesaid, within Five Miles Distance of the said Corporation.

III. In Towns and Places Corporate, where there are no Justices, and in the Country, Two Justices of Peace of the County shall tax, levy, and imprison, as aforesaid, within Five Miles Distance of the Town or Place so infected.

IV. These Taxes shall be certified in, at the next Quarter-Sessions of the Corporation or County respectively, and shall there be order'd as by the Justices there, or the more Part of them, shall be thought fit.

V. The Constable, or other Officer, which wilfully neglects to levy the Tax upon a Warrant, as aforesaid, shall forfeit for every such Default 10 s. to be employ'd upon the Charitable Uses aforesaid.

VI. If any infected Person, residing in an infected House (after commanded by a Justice or other Officer), presume to come forth, the Watchmen may resist him; and if any Hurt happen thereupon, the Watchmen shall not be impeach'd therefore.

VII. If any Person having a Sore upon him go abroad, and converse in Company, he shall suffer as a Felon; but if he have no Sore, he shall be only punished as a Vagabond, according to the Statute of 39 Eliz. 4. which see in Vagabonds.

VIII. No Attainder of Felony by Vertue of this Act shall extend to Corruption of Blood, or Forfeiture of Good or Lands.

IX. It

IX. It shall be lawful for the Justices of Peace and Head-Officers to appoint Searchers, Watchmen, Examiners, Keepers, and Buriers, and to minister unto them Oaths for the due Performance of their Offices, and to give them other Directions, as in their Discretion shall be thought fit.

X. Justices of Peace or Head Officers, shall not (by Force of this Act) meddle in the Universities, Cathedral Churches, or Colleges.

Having in the former Part of this Treatise presented to your View, an Account of such Statute Laws, and adjudg'd Cases, as relate to the ordering, settling, maintaining and employing the *Poor*, with the respective Duties of Justices of the Peace, Church-wardens and Overseers, and other Persons relating thereto; I shall now, in this Second Part, give you the *Forms* and *Precedents* of such Orders, Warrants, Mittimus's, Licences, Certificates, Testimonials, &c. as are necessary to be observ'd touching the same, and which are distributed in the following Method.

Orders, Warrants, Indentures, &c. touching *Apprentices* and *Servants*.

Orders, Warrants, Recognizances &c. touching *Bastard-Children*.

Testimonials, &c. touching Losses by *Fire*, and *Shipwreck*.

Warrants and Mittimus's to *Houses of Correction*.

Licences to *Beg*, and Passports for *poor People*, &c.

Certificates and Warrants, touching the *Plague* and *King's-Evil*.

Rates, and Warrants, to levy *Relief* for the *Poor*.

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Certificates and Warrants, touching the *Plagne* and *King's-Evil*.

Rates, and Warrants, to levy *Relief for the Poor*.



Warrants, &c. touching *Overseers* and their *Accounts*.

Warrants, *Mittimus's*, &c. touching *Settlements*.

Warrants and Certificates, touching poor *Prisoners* and *Soldiers*.

Warrants, &c. touching *Rogues*, *Vagrants*, and *Beggars*.

Warrants, Certificates, and Distresses, for *levying Penalties*.

Warrants and *Mittimus's*, touching *Watching* and *Warding*.

Petitions and Certificates, for erecting *Cottages* on *Wastes*.

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CONCERNING  
APPRENTICES,  
Servants, &c.

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*A Warrant to put poor Children Apprentices.*

*To the Church-wardens, and other the Overseers of the Poor of the Parish of St. A. in the said County, and to every of them.*

M. ff. **T**HESE are (in Her Majesty's Name) to command you, That you do present unto us, or some of us, in Writing under your Hands, at the House of *A. B.* in &c. upon the First Day of *July* next, at Nine of the Clock in the Morning of the same Day, the Names of all such poor Children of your said Parish as are Orphans, or whose Parents shall not by you, or the greater Number of you, be thought able to keep and maintain them; together with the  
Names

Names of the Parents of the said Children (if they have any living), and the several Ages of the Children aforesaid: And that you do cause such of the said Children as shall be able to come thither (and more especially such of them as by you shall be thought fit to be put forth Apprentices), to appear before us (at the Time and Place aforesaid), to be by us there viewed: And likewise that you do then and there also present unto us (in Writing as aforesaid) the Name of such substantial Inhabitants of your Parish to whom you shall think fit to put the said Children, or any of them, Apprentices; and more especially of such of the said Inhabitants as have not formerly taken such poor Children of the said Parish Apprentices. And lastly, That you do give Notice to the said Inhabitants, that they are by us requir'd then and there to appear before us, to shew Cause why you (by our Assent) shall not bind such of the said Children Apprentices unto them (as to you shall seem convenient), unless they shall in the mean Time consent to take and receive the same; and that you accordingly your selves be then and there also present, and have there this Precept. Of all which, you are not to fail at your Perils. *Given* under our Hands and Seals the, &c.

*Note, All Persons, to whom the Overseers of the Poor shall (according to the Statute of 43 Eliz. cap. 2.) bind any poor Children Apprentices, may take, receive, and keep them as Apprentices, by 1 Jac. 1. cap. 25.*

*Note, It is before observ'd, (Tit. Apprentices) that an Apprentice cannot be forced upon any Person not really using Husbandry.*

*A Beggar's Child may, at the General-Sessions, be bound to serve any Subject of this Realm, being of Honest Calling, 14 Eliz. cap. 5. 18 Eliz. cap. 3. But it seems he may not be forc'd upon any Person except Husband-men.*

*An Indenture for an Apprentice so put out.*

**T**HIS Indenture, made the, &c. Day of, &c. in the Year of the Reign, &c. between A. B. and C. D. Church-wardens of the Parish of E. in the County of, &c. and F. G. H. J. Overseers of the Poor of the same Parish, of the one Part, and K. L. of, &c. of the other Part: *Witnesseth*, That the said Church-wardens and Overseers, by the Assent of her Majesty's Justices of the Peace of the said County, whose Names are hereunto written, (according to the Form of the Statute made in the Forty-third Year of the Reign of the late Queen Elizabeth, entituled, *An Act for the Relief of the Poor*;) have put out and bound M. L. a poor Child of the Parish of E. Apprentice to the said K. L. till the said M. L. shall come to the Age of Twenty-four Years. During which Time, the said Apprentice his said Master well and faithfully shall serve, his Secrets keep, his Commandments lawful and honest every where willingly shall do. He shall do no Hurt nor Dammage to his said Master, nor consent to be done of others, but to his Power shall let the same, or forthwith give Notice to his said Master thereof. He shall not waste the Goods of the said Master, nor lend to any Person without his Consent. He shall not frequent Taverns, Inns,

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or

or Ale-houses, (except it be about his said Master's Business there to be done.) He shall not (during the said Term) play at Cards, Dice, or other unlawful Games. He shall not, either by Day or Night, absent himself from his said Master's Service; but in all Things as a (good and faithful Servant shall demean himself towards his said Master, and all his. And the said K. L. his Apprentice, shall (during the Term aforesaid) educate and bring up, or cause to be educated and brought up, in his Trade, with due and reasonable Chastisement; and find and allow unto him (during the said Term) sufficient, wholesome, and competent, Meat, Drink, Lodging, Washing, Apparel, and all other Necessaries meet for such an Apprentice: And in the End of the said Term shall find, provide for, and deliver unto, his said Apprentice double Apparel; that is to say, Apparel meet for him to have and wear, as well on the Lord's Days as on the Working Days, both of Linen, Woollen, Hose, Shoes, and all other Necessaries meet for such an Apprentice to have and wear. *In Witness* whereof, the Parties aforesaid to these present Indentures their Hands and Seals interchangeably have set, the Day and Year first above-written.

*Scaled and delivered in  
the Presence of*

*Note, The Church wardens and Overseers, by Consent of two Justices, (Quorum unus) may bind poor Children Apprentices; the Boys till the Age of Twenty-four, and the Girls till Twenty-one, or Day of Marriage.*

*Another*

*Another Indenture for an Apprentice.*

S. H. **T**HIS Indenture, made the Second Day of June, in the Seventh Year of the Reign of our Sovereign Lady Anne, by the Grace of God, of Great Britain, &c. Queen, Annoque Dom. 1709. Witnesseth, That A. B. and C. D. Overseers for the Poor in the Town of P. in the County of S. and E. F. and G. H. Church-wardens of the same Town, by and with the Consent and Allowance of Sir G. H. Kt. and J. K. Esq; two of Her Majesty's Justices of the Peace for the same County, have placed, and by these Presents do put, place and bind, L. M. being a poor Fatherless and Motherless Child, [or, R. M. Son of L. M. of the said Town of L. Labourer, unable, by reason of his Age and great Charges, to maintain and bring up his said Son] as an Apprentice with N. O. of P. aforesaid, Taylor, and as an Apprentice with him the said N. O. to dwell from the Day of the Date of these Presents, until the said L. M. shall come to and attain the Age of Twenty four Years, [or, if it be a Girl, the Age of Twenty one, or be married, which shall first happen], according to the Statute in that Case made and provided: During which Time and Term, the said L. M. shall the said N. O. his Master well and faithfully serve in all lawful Business as the said L. M. shall be put unto, according to his Power, Will, Ability, and Honesty; and obediently in all Things shall he behave himself towards the said N. O. his Children and Family. And the said N. O. for his Part covenanteth, promiseth, and

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agreeth,



agreeth, That the said *N. O.* the said *L. M.* in the Art and Skill of a *Taylor*, [*or what else is his Calling*] in the best Manner as may or can be, shall teach and inform, or cause to be taught or inform'd, as much as thereunto belongeth, and he the said *N. O.* knoweth: And also during all the said Term, to find and allow unto his said Apprentice sufficient Meat, Drink, Linen, Woollen, Shoes, Stockings, Washing, Lodging, and all other Things necessary or meet for such an Apprentice. *In Witnes, &c.*

*Note, The Church-wardens and Overseers, and Apprentices, ought to seal and deliver one Part of the Indentures to the Master, and the Master the other to them; and it may be convenient that the two Justices indorse their Consents on the Back-side thereof, as follows:*

We whose Names are subscribed, Justices of the Peace of the, &c. aforesaid, do consent to the putting forth of the aforesaid *L. M.* Apprentice, according to the Intent and Meaning of the Indenture aforesaid.

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*A Warrant against them which refuse to take Apprentices.*

*To the Constables and Borsholders of, &c.*

*S. H.* **W**HEREAS the Church-wardens and Overseers of the Poor in the Parish of *A.* in the County aforesaid, did by our Assent, by Indenture bearing Date the, &c. put and

and bind out unto R. G. of the Parish aforesaid, B. F. a poor Child of the said Parish, Apprentice, (according to the Form of the Statute in that Case made and provided in the Forty third Year of the Reign of the late Queen Elizabeth, entitled; *An Act for the Relief of the Poor.*) And forasmuch as the said R. G. doth refuse to take, receive and keep, the said Apprentice accordingly, and doth likewise refuse to seal the Counterpart of the said Indenture: These are therefore (in Her Majesty's Name) to command you, That you, some or one of you, do cause the said R. G. to come before us, or one of us, or some other Justice of the Peace of the said County, to enter into Recognizance unto Her said Majesty, condition'd for personal Appearance at the next General Sessions of the Peace to be holden at T. in the County aforesaid, then and there to answer the Premises, and farther to do and receive as the said Court shall then consider of him in this Behalf. Hereof fail not at your Perils. *Given under our Hands and Seals, &c.*

*Note, It's said these Warrants and Apprentices are limited to Husbandry, or otherwise cannot be forced upon any Person.*

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*A Warrant against a Master for abusing his Apprentice.*

*To the Constable and Borsholders of N. &c.*

S. ff. **F**Orasmuch as Complaint hath been made unto me by A. B. an Apprentice, &c. against C. D. his Master, both of the Parish aforesaid,

said, That he the said C. D. doth not allow unto his said Servant competent Meat, Drink, and Apparel, and doth immoderately correct him without any Cause at all, (or, turneth him out of his House, and will not suffer him to return) [*as the Case requireth;*] These are therefore (in Her Majesty's Name) to command you, That some, or one of you do cause both the said Parties to come before me at *N.* on *Tuesday* the 20th Day of this Instant *June*, at Five of the Clock in the Afternoon, to the end that I may examine the same Matter. Hereof fail not, &c. Given under my Hand and Seal this, &c.

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*A Warrant against a disorderly Apprentice.*

*To the Constable, &c.*

S. ff. **F**Orasmuch as Complaint hath been made unto me by *A. B. Smith*, against *C. D.* his Apprentice, both of your Parish of *N.* in this County, That the said *C. D.* is a stubborn and disobedient Servant, and doth very much misbehave himself towards his said Master, [or, that the said *C. D.* hath departed from his said Master, &c.] These are therefore, &c. as before.

*A War-*

*A Warrant against one that departeth out of Service before his Time expired.*

*To the Constable and Barsholders of, &c.*

S. ff. **W** Hereas Complaint hath been made unto me this present Day by *A. B.* of, &c. That one *C. D.* having been bound and put Apprentice to him the said *A. B.* is now lately, contrary to Law, departed from his said Master, without his Licence, or other lawful Discharge: These are therefore (in Her Majesty's Name) to charge and command you, That you, or some or one of you, do attach the said *C. D.* when and where he shall be found within your several Limits and Precincts, and thereupon do further bring him before me, or some other of Her Majesty's Justices of and within the said County, to answer to the Premisses, and further to be dealt withal according to Law. Hereof, &c.

Note, It's said, the Proof of the Sufficiency or Insufficiency of the Cause, for which the Master may put away his Servant, or the Servant may depart from his Master, before the End of the Term, shall be made at the Quarter-Sessions. 5 Eliz. cap. 4. Lamb. 601. Crompt. 164.

*A Discharge of an Apprentice by the Justices.*

S. ff. **W** E. B. R. H. B. J. F. R. H. four of Her Majesty's Justices of the Peace, &c. for the County of S. aforesaid: Whereas Complaint

plaint having been made unto us by *A. B.* an Apprentice, against *C. D.* his Master, both of the Parish of *N.* within this County, That the said *C. D.* his Master hath not allow'd to his said Servant competent Diet and Apparel befitting such Apprentice, and hath sometimes corrected him without any just Cause at all, and when he had Cause, corrected him above Measure; and we having order'd the said Parties to appear before us, and having examin'd the Complaint, find it to be true, and therefore we do think fit to discharge the said Apprentice of his Apprentiship: And therefore do by these Presents, under our Hands and Seals, pronounce and declare, That we have for the Causes aforesaid discharg'd the said *A. B.* the Apprentice of his Apprentiship, the Eighth Day of September, *Annoq; Dom. 1709.* Given under our Hands, &c.

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A Bond given to save the Parish harmless from a Child bound Apprentice by the Overseers, at the Request of a Relation.

**N**Overint universi per presentes me *A. B. de Paroch. Sanct. C. Decorum in Com. Mid. Gen. teneri & firmiter obligari C. D. & E. F. Supervis. pauper Paroch. præd. in triginti libris bonæ & legalis monete Magnæ Britannia solvend. eisdem C. D. & E. F. aut suis certis Attornat. Successoribus vel Assignat. suis. Ad quam quidem solutionem bene & fideliter faciend. Obligo me Hæredes, Executores & Administratores meos firmiter per Præsentes, sigillo meo sigillat. Dat. &c. Anno Dom. 1710.*

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The Condition of this Obligation is such, That whereas *G. H.* at the special Instance and Request of the above-bounden *A. B.* is by Indenture bearing even Date with these Presents, bound an Apprentice for Seven Years to *J. K.* of *L.* Carpenter, by the Overseers of the Poor of the said Parish of *St. Clement Danes* above-nam'd, who have given the said *J. K.* 10*l.* with him. If therefore the said *A. B.* his Heirs, Executors or Administrators, shall, during the said Term of Seven Years, save and keep harmless and indemnified the abovesaid Overseers and their Successors, and the Parishioners of *St. Clement Danes* aforesaid, and every of them, of and from the said *G. H.* and of and from his being chargeable and burthensome to the said Parish, then this Obligation to be void, or else to stand and be in full Force and Vertue.

*It is before observ'd, how the Justices of Peace, &c. may by Stat. 2 Ann. cap. 6. put out poor Boys of the Age of Ten Years and upwards to Sea-Service, to Subjects, Masters or Owners of Vessels, &c.*

*But by 4 & 5 Ann. ca. 19. no Master of a Ship shall be oblig'd to take such Apprentice under the Age of 13, and unless of Health and Strength; and Widows, and Executors, and Administrators of such Master, shall have Power of assigning such Apprentice to any other Master of a Ship, who have not their Complement of Apprentices according to the said Act, and 43 Eliz. cap. 2.*

*And that no Person of 18 Years of Age shall be exempt from her Majesty's Sea-Service, who shall have been in Sea-Service before they bound themselves Apprentices.*



*For sending a Servant to his Service to serve the Time agreed, to prevent Charge on the Parish.*

*S. ff. To the Overseers of the Poor for the Parish of A. in the County aforesaid, and to every of them.*

**F**Orasmuch as you have complain'd unto us, That *B. C.* being retain'd into Service by *D. E.* of *R.* &c. for one Year (not yet expir'd), is come out of her (or his) Service in the said Parish of *R.* and likely to be chargeable to the same: These are therefore (in Her Majesty's Name) to command you, and every of you, that you, or some or one of you, do forthwith convey the said *B. C.* to her (or his) said Master (or Mistress), and deliver her (or him) unto him (or her), to remain with him (or her) until she (or he) shall be from him (or her) lawfully discharg'd; and in case of Refusal of the said *D. E.* to receive the said *B. C.* accordingly, that you, or some or one of you, do forthwith certifie us, or one of us, of the same, to the end that such farther Proceedings may be thereupon had as by Law is requir'd. Hereof fail not. Given under our Hands and Seals at *N.* the . . . . Day of . . . . &c.

*A War-*

*A Warrant to levy 40s. on the Master for putting away his Servant before the End of his Term.*

*To the Constable and Borsholders of N. &c.*

S. ff. **F**Orasmuch as it appeareth unto us this Day upon Oath, That *A. B.* of your Town of *N. Husbandman*, hath put *C. D.* his Servant (lawfully retain'd with him) out of his Service, before the End of the Term agreed, contrary to the Law of this Realm. These are therefore (in Her Majesty's Name) to charge and command you, and every of you, forthwith upon the Receipt hereof, that you levy the Sum of 40 s. (by him the said *A. B.* forfeited by the Statute for his Offence) by Way of Distress and Sale of the Offender's Goods, upon his not Payment thereof, rendring to the said *A. B.* the Overplus (if any be). And that you bring with you the said 40 s. at the next General Quarter-Sessions of the Peace to be holden for these Parts of *R.* except the said *A. B.* shall shew good Cause to the contrary to Her Majesty's Justices of the Peace at *N.* aforesaid, upon *Tuesday* next, being the Fifth Day of this Instant *November*. Hereof fail not at your Perils. Given at the General Quarter-Sessions of the Peace at *T.* the Second Day of, &c. *A. B. C. D. E. F. G. H.*

*For*

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*For not paying Wages.*

*To the Constable and Borsholders of N. &c.*

S. ff. **T**Hese are (in her Maiesty's Name) to command you, that you, some or one of you, do cause *A. B.* to come before me, or some other of her Majesty's Justices of the Peace of the County aforesaid, to answer unto such Matters as shall be objected against him by *C. D.* touching his Detention of 20 s. due unto *C. D.* (as he saith) for Wages, and farther to do and receive as to Justice doth appertain, unless the said *A. B.* shall forthwith pay unto the said *C. D.* the Wages aforesaid, or do otherwise give Satisfaction unto him for the same: And you are hereby also farther requir'd to give unto the said *C. D.* convenient Notice of the Time and Place, when and whither, and before whom you shall cause the said *A. B.* to come (in Execution hereof), to the end that he may also be then and there present to make appear his Due to the Wages aforesaid. Hereof fail not, &c.

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*A Warrant for Relief of a Man-Servant that is out of Service.*

*To the Constables, &c.*

S. ff. **F**Orasmuch as Complaint is made unto me by *A. B.* That he being lawfully retain'd in the Service of *C. D.* of your Town of *E. Neoman*,  
at

at *Lady-day* was Twelve-month, and being discharg'd his Service at *Lady-day* last, hath been at the *Statute-Sessions*, and cannot find himself a Service, and being destitute of Means whereby to relieve himself: These are therefore (in her Majesty's Name) straitly to charge and command you, and every of you, that presently upon the Receipt hereof you do receive the said *A. B.* into your Town, and see him set on Work, and provided for, according to the Statute in that Case made and provided. Hereof fail not, &c.

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*A Warrant, upon a Servant's leaving his Service, to find Sureties to perform his Service, or go to Gaol.*

*To the Constables, &c.*

S. ff. **W** Hereas *J. D.* being lawfully retain'd in Service with *O. N.* of *T. Yeoman*, is departed from his said Master's Service before the End of his Term, without his Master's Leave or Licence, or without any reasonable Cause, contrary to the Laws and Statutes of this Realm in that Behalf provided; These are therefore (in her Majesty's Name) to command you, and every of you, that you, some or one of you, do attach the Body of the said *J. D.* and bring him before me or some other of Her Majesty's Justices of Peace of the said County, to find sufficient Sureties well and faithfully to serve his said Master according to the Covenants between them made, &c. And if he shall refuse thus to do, that then

then you cause him to be convey'd safely to Her Majesty's Gaol at *T.* in the same County, and him to deliver to the Keeper of the same, together with this Warrant: Commanding also you the said Keeper to receive him so deliver'd to you in the said Gaol, and him there safely keep until he shall give such Sureties as aforesaid. Given under, &c.

*Another more briefly against one that departed out of Service before his Time expir'd.*

*To the Constable and Borsholders, &c.*

S. ff. **T**Hese are (in Her Majesty's Name) to command you, that you, some or one of you, do attach *C. D.* of *E.* and bring him before me, or some other Justice of the Peace of and within the said County, to answer for that he is departed out of Service from *A. B.* of *C.* (his Time of Covenant with him made not being expir'd) contrary to the Statute in that Case made and provided. And farther to be dealt withal according to Law. Hereof, &c.

*One Justice may hear and order the Controversies between Master and Servant touching their Departure.*

*A. Mis-*

*A Mittimus of a Servant departed from his Service before the Time expir'd.*

*To the Keeper of, &c.*

S. ff. **W** Hereas *R. E.* of *W.* in the County afore-  
said, *Labourer*, was lawfully retain'd  
in Service with *B. T.* of *W.* afore said, *Yeoman*, and  
hath often departed from his said Service, before  
his Term expir'd, without his Master's Leave or  
Licence, or any other reasonable Cause, contrary  
to the Laws and Statutes of this Realm. These  
are therefore (in Her Majesty's Name) to will and  
require you, to receive and take into your Cu-  
stody the said *R. E.* and him safely to keep, un-  
til he shall be thence deliver'd by due Order of  
Law. And in the mean time to hold him the  
said *R.* to such Labour and Work, and give un-  
to him such Punishment as by the Laws is re-  
quir'd. Giving and yielding him so much Main-  
tenance as he the said *R.* shall by his Labour or  
Work deserve or earn; and that you have the  
said *R.* at the next *Quarter-Sessions* to be holden at  
*W.* afore said, together with this Warrant; unless  
he the said *R. E.* shall before that Time, in the  
Presence of some Justice of the Peace, find Sureties  
well and faithfully to serve his said Master ac-  
cording to his Covenant; and hereof fail you not  
at your Peril. Given under my Hand and Seal  
at my House at *D.* this 4th Day of, &c.

*S. W.*

*A Mit-*



*A Mittimus (to the House of Correction)  
of a disorderly Servant, or other idle  
Person.*

*To the Keeper, &c.*

S. fl. **I** Have sent you herewithal the Body of  
C. D. in the said County, being *(an idle,  
dissolute and disorderly Fellow, or)* one that will not  
keep his Service, or follow any Way of Business  
for an honest Livelihood: These are therefore to  
will and require you to receive the said C. D. and  
him safely keep, until he shall be thence deliver'd  
by my self, or some other of Her Majesty's Ju-  
stices of the Peace of this County. And in the  
mean time to hold him to such Works, and to  
give him such Punishment, by putting Fetters or  
Gives upon him, and by moderate Whipping  
him, as in good Discretion you shall find Cause,  
yielding him for his Maintenance only so much  
as he shall deserve or earn by his Labour and  
Work, and at the next Quarter-Sessions you have  
the said C. D. together with this our Warrant.  
And hereof fail not at your Peril. Dated, &c.  
T. P.

*A Mit-*

*A Mittimus of a Servant for purloining his Master's Goods.*

*To the Keeper of, &c.*

S. ff. **I** Have herewith sent you the Body of *A. B.* Servant to *C. D.* of *W. Yeoman*, for purloining certain Goods from his Master: These are therefore (in Her Majesty's Name) to will and require you to receive and take into your Custody the said *A. B.* and give him due Correction according to the Rules of your House, and there to keep him at Labour until he shall be thence deliver'd by due Course of Law. And hereof fail not at your Perils. Given under my Hand and Seal, &c.

*To fetch back a Servant for departing without Licence.*

*To all Constables, Borsholders, &c.*

S. ff. **F**Orasmuch as *A. B.* a Servant to *C. D.* of *R. Taylor*, hath gone from his said Master without his lawful Licence or Testimonial, in the County of *W.* These are therefore (in Her Majesty's Name) to require and command you, some or one of you, that forthwith upon Sight hereof you go with the Bearer hereof, and, as speedily as may be, apprehend the said *A. B.* and him

him to bring before me, or some other of Her Majesty's Justices of the Peace for the said County, to the end that such farther Proceedings may be thereupon had as by Law is requir'd. Hereof fail not, &c. Given under, &c.

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*A Warrant to compel a Servant to go to Service, and upon Neglect to appear at the Petty-Sessions.*

*To the Constable and Borholders of, &c.*

S. ff. **F**Orasmuch as Complaint hath been made unto us, That *A. B.* of, &c. now of your Parish of *N.* is such a Person as by Law ought to be retain'd and live in Service, and yet in Contempt of the Statutes in that Case made and provided, and to the evil Example of others, doth keep her self Masterless, and lead an idle Sort of Life: These are therefore (in Her Majesty's Name) to command you, that you, some or one of you, do on Sight hereof require and give Warning unto the said *A. B.* to provide for, and betake her self to such Service as by Law she ought to do: And that within *Twenty Days* after that your Warning given, and if she the said *A. B.* shall refuse so to do, then you are to bring such Refuser before such of Her Majesty's Justices of the Peace of this County as shall be assembled at the *Sign of the Queen's-Head* in *N.* in the said County, at their then next *Petty-Sessions* there to be holden for this Division, immediately after the Expiration of the said *Twenty Days*, to the end she may be farther proceeded against according

According to Law. Hereof fail not at your Perils.  
Dated at, &c.

Note Every unmarried Woman fit to serve, being above Twelve Years old and under Forty, shall by Two Justices or chief Officer, or Two Burgeses, be compellable to serve for convenient Time and Wages, on Pain of Imprisonment.

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*A Discharge of a Servant from his Service within the Time agreed, upon his absenting himself.*

S. ff. **F**Orasmuch as it appeareth unto me, That *A. B.* was retain'd by *C. D.* to serve him for a Term (not yet expir'd): And the said *A. B.* without Consent of him the said *C. D.* hath for the Space of, &c. now last past absented himself from the said Service, and is gone into some Place from the said *C. D.* unknown. I therefore upon the Consideration of the Premises, and of the Equity thereof on the Part of the said *C. D.* allow the Cause and Matter aforesaid to be reasonable and sufficient to discharge the said *C. D.* from any farther keeping the said *A. B.* in his said Service, and do accordingly discharge the said *A. B.* from his Service aforesaid. Given under my Hand and Seal at R. the . . . . Day of . . . . &c.

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*An Order of Court not to retain a Servant  
without a Testimonial.*

**I**T is order'd by the Court, That no Inhabitants of this City of *N.* shall for the future retain or take into their Service any Servant, without their first shewing a *Certificate* or *Testimonial* of their last Abode and good Behaviour in such former Service or Place where such Servant liv'd, according to the Directions of the Statute for the hiring, retaining and keeping, of Servants, in that Case provided, as they will answer the Penalty contain'd in the said Statute.

*God Save our Sovereign Lady Queen Anne.*

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*A Testimonial for the Discharge of a  
Servant.*

**M**emorandum, That *A. B.* Servant to *C. D.* of *E. Husbandman*, (or *Taylor*, &c.) in the said County, is licens'd to depart from his said Master, and is at his Liberty to serve elsewhere, according to the Statute in that Case made and provided. In Witness whereof, &c.

*In a Town, to be under the Seal of the Town,  
and Two Householders there; if in the County, un-  
der the Seals of the Constable or Constables, and Two  
Householders there where he last serv'd.*

*Alp*

*Also it must be register'd by the Parson, Vicar or Curate, of the Parish, who is to have Twopence for doing thereof.*

*A Master that retains a Servant without such a Testimonial, forfeits Five Pounds.*

*But these Testimonials, &c. are not much in Use at this Time.*

## Bastard-Children.

*A Warrant where a Maid-servant is gotten with Child, and from thence sent to the Place of her Birth.*

*To the Constable, &c.*

S. fl. **F**Orasmuch as W. R. for the Space of Two Years now last past, dwelt in the Parish of N. in the said County of S. and being there settled in Service with A. B. &c. was gotten with Child, and being so with Child, now sent or convey'd to the Town of R. under the Colour that she was there born, to the burthening the said Town, and contrary to Law: These are therefore (in Her Majesty's Name) to charge and command you safely to convey the said W. to N. aforesaid, there to be set on Work, or otherwise to be provided for according to the Law; and that you deliver and leave, or offer to leave, the said



said *W.* to and with some one of the Churchwardens and Overseers of the Poor of the Parish of *N.* aforesaid: And hereof fail you not, &c.

*A Mittimus of the Mother to the House of Correction.*

*To the Constables, &c. and to the Keeper of the House of Correction, &c.*

S. ff. **F**Orasmuch as *G. B.* hath lately had a Bastard-child: These are therefore (in Her Majesty's Name) to command you the said Constable and Borsholders, and every of you, that you, some or one of you, do take the said *G. B.* and her safely to convey to the aforesaid House of Correction, and there deliver her to the said Keeper of the same (together with this Precept): Commanding also you the said Keeper to receive her into the said House, and there punish and set her on Work during the Term of One whole Year (according to the Form of the Statute in that Case made and provided). Hereof fail not at your Perils. Given under our Hands and Seals, &c.

*A Warrant against the Mother (for the Second Offence) to commit her to the House of Correction, and find Sureties of good Behaviour.*

*To the Constable and Borsholders, &c.*

S. ff. **F**Orasmuch as *N. B.* hath lately had a Bastard-child, and may be chargeable to the Parish; and forasmuch as she hath before of-

offended in the like Kind: These are therefore (in Her Majesty's Name) to command you the said Constables and Borsholders, and every of you, that you, some or one of you, do take the said *N. B.* and her safely convey to the aforesaid House of Correction, and there deliver her unto the Keeper of the same (together with this Precept); commanding also you the said Keeper to receive her into the said House, and there her to punish and set on Work, until she do put in good Security for her good Behaviour not to offend so again (according to the Form of the Statute in that Case made and provided). Hereof fail not at your Perils. Given under our Hands and Seals at, &c.

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*A Warrant to cause the Mother and reputed Father to appear.*

*To the Constable and Borsholders of, &c.*

S. ff. **F**Orasmuch as we are inform'd, That *A. B.* of the Parish of *R.* in the County aforesaid, (within the said Parish,) hath lately been deliver'd of a Bastard-Child, (begotten and born out of lawful Matrimony,) yet living, and chargeable to the Parish aforesaid; and forasmuch as the said *A. B.* upon her Examination taken, hath charged *R. R.* of, &c. to have begotten her with Child of the Bastard-Child aforesaid: These are therefore (in Her Majesty's Name) to command you, and every of you, some or one of you, to bring the said Woman before us at the  
House

House of O. in T. in the County aforesaid, upon the Twentieth of *May*, at Ten of the Clock in the Forenoon of the same Day, to be by us farther examin'd touching the Premisses; and that you give Notice thereof unto the said R. R. (if conveniently you can) to the end that he may likewise be at the Time and Place aforesaid to make his lawful Defence therein (if he shall so think fit). And farther, that you, some or one of you, do give Notice to the several Persons, whose Names are here under written, that they, and every of them, are by us requir'd to appear at the Time and Place aforesaid, to certifie their several Knowledges touching the Premisses; to the end that, upon the Examination of the Cause and Circumstance, we may take such Order therein as to Justice doth appertain. And *lastly*, That what you shall do in Execution of this our Precept, you do make known unto us at the Time and Place aforesaid. Hereof fail not at your Perils. Given under our Hands and Seals at, &c.

*A. B. of, &c. C. D. of, &c. E. F. of, &c.*

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*A Warrant against the reputed Father of a Bastard-Child.*

*To the Constable, &c.*

S. ff. **F**Orasmuch as upon Examination of E. D. of, &c. Single-Woman, this Day taken before me (upon Oath), it appeareth that she is at present with Child of a Bastard-Child, which is likely to be chargeable to the Parish when it shall

shall happen to be born ; and forasmuch as (upon her Examination) she hath confess'd, that *J. R.* of, &c. did beget her with Child of the Child aforesaid, and hath before me charg'd him with the same: These are therefore (in Her Majesty's Name) to command you the said Constable and Borsholders, that you, some or one of you, do cause the said *J. R.* to come before me, or some one of Her Majesty's Justices of the Peace of the said County at, &c. aforesaid, then and there to receive as by the said Court shall be enjoind; and also that he shall in the mean Time be of good Behaviour, as well towards Her said Majesty, as towards all her Liege People; which if he shall refuse to do, that then (without expecting any farther or other Warrant) you, some or one of you, do safely convey him to the Gaol of, &c. and him there deliver to the Keeper of the same, together with this Precept; commanding also you the aforesaid Keeper to receive him into the said Gaol, and him there safely to keep, until he shall find such sufficient Security as aforesaid. Hereof fail not at your Peril. Given under my Hand and Seal at, &c.

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*A Mittimus to the Gaol of the reputed Father of a Bastard-Child.*

*To the Keeper, &c.*

S. ff. **I** Send you herewithal the Body of *J. R.* of O. Labourer, brought before me this present Day, and charg'd by *E. S.* of the same  
M Town

Town to have gotten her with Child; and for that the said *J.* refuseth to put in Security for his Appearance at the next Quarter-Sessions; and to the end he may be forth-coming when Order shall be taken for the Relief and Discharging the said Town of *O.* and for keeping of the said Child when it shall happen to be born, according to the Statute in that Case made and provided: These are therefore (in Her Majesty's Name) to charge and command you, that immediately you receive the said *J. R.* and him safely keep in your Gaol until such Time as he shall be from thence deliver'd by due Order of Law. Hereof fail not at your Peril. Dated, &c.

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*An Order for a reputed Father of a Bastard-Child to discharge the Town.*

S. ff. **W** Hereas *O. B.* of *B.* in the County aforesaid, *Yeoman*, hath been charg'd to be the reputed Father of a Male Bastard-Child, lately born at *N.* in the County aforesaid; and the Matter being heard and examin'd by us, it appear'd to us by the Confession of the said *E. D.* her self, and by the Testimony of divers Witnesses taken before us upon Oath, the said *O. B.* to be the reputed Father of the said base Child; and for the better Discharge of the said Parish of *N.* we do order, The said *O. B.* shall Weekly, and for every Week, from the Birth of the said Child, until he shall accomplish the Age of Twelve Years, or so long as the said Child be any ways chargeable unto the said Town of *N.* pay, or cause to be

be paid, unto the Church-wardens and Overseers of the Poor of *N.* aforesaid, or some of them, towards the Relief of the said base Child, One Shilling and Six-pence; and at the End of the said Term of Twelve Years, to pay to the Church-wardens and Overseers of the Poor of the said Town, for the Time being, the Sum of Five Pounds of lawful *English* Money, to bind the said Child forth as an Apprentice to some honest Trade or Calling. *In Witness, &c.*

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*Another Order for the reputed Father of a Bastard-Child to discharge the Parish, and to send the Mother to the House of Correction.*

S. ff. **W** Hereas *W. L.* of *O.* in the County aforesaid, Single Woman, was lately deliver'd at *O.* aforesaid, of a Bastard-Child named *John*, which is likely to be chargeable to the said Town or Parish of *O.* We the Justices of Peace of the County aforesaid, whose Names are here under-written, having, upon the Complaint of the Townsmen of *O.* aforesaid, taken upon us the Hearing and Examination of the said Cause, do find by divers Examinations, testified upon Oath before us, that the said *W. L.* in the Extremity of her Travail, did accuse *J. R.* of *O.* aforesaid, Shoemaker, *alias* Cordwainer, to be the Father of the said Bastard-Child. And we do also farther find by divers other pregnant Proofs and Circumstances upon Oath, That the said *J. R.* is the reputed Father of the said Child; whereupon



we do order and adjudge him the said *J. R.* to be the reputed Father of the said Bastard-Child. And we do farther order, both for the Relief of the said Parish in Part, as also for the Punishment of the said *J. R.* That the said *J. R.* shall Weekly, and every Week, from and after the Birth of the said Child (so long as the Child shall be chargeable to the said Parish), until the said Child shall attain to the Age of Twelve Years, pay, or cause to be paid, unto the Church-wardens and Overseers of the Poor of the said Town of *O.* for the Time being, for and towards the Keeping and Education of the same Child, the Sum of Two Shillings; and shall within Three Months after the said Bastard-Child shall accomplish his said Age of Twelve Years, pay at or within the Church-Porch of *O.* aforesaid, unto the Church-wardens and Overseers of the Poor of the said Town of *O.* for the Time then being, for and towards the putting out and binding forth the said Child to be an Apprentice, the Sum of Four Pounds, of lawful *English* Money; and that the said *W. L.* so long as she shall not keep the said Child, shall likewise pay Weekly, and every Week, during the Twelve Years aforesaid (or so long as the said Child shall be chargeable to the said Parish), unto the Church-wardens and Overseers of the Poor of the said Town for the Time being, the Sum of Six-pence a Week, for and towards the Maintenance and Education of the said Child. And we do farther order, That the said *W. L.* shall be sent to the House of Correction at *O.* there to be punish'd and set on Work, and there to remain for One whole Year now next ensuing, according to the Statute and Law in that Behalf. And lastly, We do order,  
That

That the said *J. R.* shall become bound in a Bond of Twenty Pounds unto *A. B.* and *C. D.* Two of the chief Inhabitants of the said Town of *O.* well and truly to perform so much of this our Order as doth concern the said *J. R.* and is on his Part by this our Order to be done and perform'd. *In Witness* whereof, we have hereunto set our Hands the 3d Day of *May*, *Anno Dom.* 1709.

*Another Order to relieve the Parish from a Bastard, and for punishing the Mother and reputed Father.*

S. ff. **T**HE Order of us *A. B.* and *C. D.* Esquires, Two of her Majesty's Justices of the Peace of the said County (whereof One of us is of the *Quorum*), and both residing in the Limits where the Parish-Church of *N.* in the County aforesaid is, the 30th Day of *May*, in the Year of our Lord 1709, (according to the Form of the Statute in that Case made and provided,) touching the Male Bastard-Child, late born in the Parish of *N.* aforesaid, of the Body of *H. O.* of the same Parish, Single Woman, (the Keeping of which said Bastard-Child hath, ever since the Birth thereof, been and still is chargeable to the Parish aforesaid, and so likely to continue chargeable.)

*First*, (Upon our Examination of the Cause and Circumstance, and due Consideration thereof by us had,) we do adjudge *M. L.* late of *N.* aforesaid, Taylor, the reputed Father of the said Bastard-Child. And for Punishment of the said

Mother and reputed Father, and the better Relief of the said Parish, we do hereby order as followeth: That is to say, We do order, That the said Mother shall by the Constable and Borsholders of the Hundred of *R.* in the said County, or by some or one of them (upon some Day between the Hours of Nine and Twelve in the Forenoon, in the Common Highway at or near, &c. in the Parish aforesaid), be stripped naked from the Middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-Cart, and being so stripped and tied, shall be there openly whipped until her Body be bloody.

We do also order, That the said reputed Father shall by the Constable and Borsholders of the Hundred aforesaid, or some or one of them, (upon some Day, between the Hours of Nine and Twelve in the Forenoon, in the Common Highway in the Parish aforesaid, over-against the Dwelling-house of *T. L.* there) be stripped naked from the Middle upwards, and shall then and there be tied to the Tail of a Cart or Dung-Cart, and being so stripped and tied, shall be from thence drawn to the Watch-house of *N.* aforesaid, and on the Way well whipped, in such Manner as in such Cases accustomed.

We do farther order, That the said Mother shall, within Three Days next after Notice of this our Order, render her Body to the said Constable and Borsholders, or to some or one of them, ready to undergo her Punishment before ordered.

And that the said reputed Father shall, within Six Days next after Notice of this our Order, render his Body to the said Constable and Borsholders, or to some or one of them, ready to undergo his Punishment before ordered. We

We do likewise farther order, That the said reputed Father shall, within Six Days next after Notice given unto him of this our Order, pay, or cause to be paid, to the Overseers of the Poor of the Parish aforesaid, or to some or one of them, Thirty Shillings, lawful Money of *England*, towards the Moneys by them disburs'd (before the said Notice given) for or towards the Charges of the Keeping of the said Bastard-Child, from the Time of the Birth thereof until the Time of the giving of the said Notice. And that upon every *Saturday*, which shall be next after the End of the said Six Days, until the said Bastard-Child shall attain to his Age of Ten Years, the said reputed Father shall likewise pay unto the Overseers of the Poor of the said Parish for the Time being, or unto some or one of them, Sixteenpence, of lawful Money of *England*, towards the Charges by them disburs'd towards the Keeping of the Bastard-Child aforesaid, (meaning between the End of the said Six Days, and the Time that he shall attain unto his Age of Ten Years.)

We do farther order, That the said Bastard-Child shall be kept and nourished by his said Mother until he shall attain to the Age aforesaid; and that she (so far as she shall be able) shall, during the said Time, so keep and nourish the same.

We do *lastly* order, That both the said Mother and reputed Father shall (for ever, from and after such Time as the said Bastard-Child shall attain unto his said Age of Ten Years) jointly and severally discharge the said Parish of and from all Charges whatsoever, for, touching, or concerning, the Keeping or Relieving of the

said Child. *In Witness* whereof, we have hereunto subscribed our Names the Day and Year first above-written.

*A. B. C. D.*

*A Warrant to be written under the Order  
aforesaid, for giving Notice thereof to  
the Mother and reputed Father.*

*To the Overseers of the Poor of the Parish of N. in  
the County aforesaid, and to every of them.*

**T**H E S E are (in Her Majesty's Name) to command you, and every of you, that you, some or one of you, do (with all convenient Speed) give, or cause to be given, Notice of our Order, (a Copy whereof is herewith deliver'd unto you, both unto the Mother and reputed Father therein mention'd, to the end that they, and every of them, may the better observe and perform the same: And what you shall do in Execution of this our Precept, you, some or one of you, do certifie unto us, or one of us, (with all convenient Speed next after the Execution of the same) to the end that farther Proceedings may be thereupon had as the Case shall require, and to Justice doth appertain. Given under our Hands and Seals at, &c. the 30th Day of, &c.  
*Anno Dom. 1709.*

*A War-*

*A Warrant for the Punishment of the Mother and reputed Father of a Bastard-Child.*

*To the Constables and Borsholders of, &c.*

S. ff. **W**HEREAS N. O. of P. in the said County, Single Woman, was lately deliver'd within the said Parish of a Male Bastard-Child (begotten and born out of lawful Matrimony), yet living, and chargeable to the Parish aforesaid, and so likely to continue chargeable, to the great Burthen of the same Parish, and the Defrauding of the Relief of the Impotent and Aged, true Poor of the Parish aforesaid, and to the Evil Example and Encouragement of Lewd Life: And whereas, upon our Examination of the Cause and Circumstance, (according to the Form of the Statute in that Case made and provided) we have (in and by an Order by us this present Day made, and subscribed under our Hands, touching the Bastard-Child aforesaid) adjudged *M. R.* late of P. aforesaid, Miller, the reputed Father of the said Bastard-Child. And for Punishment of the said Mother and reputed Father, (according to the Form of the Statute aforesaid) we have thereby ordered, That the said Mother shall by you, some or one of you; (upon some Day, between the Hours of Eight and Twelve in the Forenoon, in the Common High-way, at or near the Watch-house of P. in the Parish aforesaid) be stripp'd naked from the Middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-  
M 5 Cart,



Cart, and being so stripped and tied, shall be there openly whipped until her Body be bloody. And that the said reputed Father shall by you, some or one of you, (upon some Day, between the Hours of Nine and Twelve in the Forenoon, in the Common High-way in the Parish aforesaid, over-against the House of *H. D.* there) be stripped naked from the Middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-Cart, and being so stripped and tied, shall be from thence drawn to the Watch-house aforesaid, and on the Way well whipped in such Manner as is in such Cases accustomed. And that the said Mother shall, within Three Days next after Notice of our said Order, render her Body to you, some or one of you, ready to undergo her Punishment before order'd. And that the said reputed Father shall, within Six Days next after Notice of our said Order, render his Body to you, some or one of you, ready to undergo his Punishment before order'd. These are therefore (in Her Majesty's Name) to command you, and every of you, That in case the said Mother and reputed Father, or either of them, shall so render her, his, or their Body or Bodies to you, or any of you, as aforesaid, that then you, they, or he, (to whom the same shall be so render'd) do (with all convenient Speed afterwards) proceed with Effect to execute your, their, or his Office, according to the said Purport of the Order aforesaid, and do execute the same accordingly; and that what is done in the Premisses, you, or one of you, do (with all convenient Speed, after the aforesaid, &c. Day of, &c.) make known unto us, or one of us, to the end that in case of Failure by him or her rendring his or her Body

Body to you, or one of you (according to the said Order), such farther Proceedings may be thereupon had as to Justice it doth appertain. Hereof fail not at your Perils. Given under our Hands and Seals at *P.* aforesaid, the First Day of *June*, 1709.

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*A Warrant and Mittimus against the reputed Father, for not obeying the Justice's Order.*

*To the Constable, &c. and to the Keeper of, &c.*

S. ff. **W**Hereas by an Order by us made and subscribed under our Hands the First Day of *June* last past, touching a Male Bastard-Child lately born in the Parish of *P.* in the said County, of the Body of *N. O.* of *P.* aforesaid, Single Woman, (chargeable to the Parish aforesaid) we have adjudged *M. R.* late of *P.* aforesaid, *Miller*, the reputed Father of the said Bastard-Child: And for Punishment of the said reputed Father, (according to the Form of the Statute in that Case made and provided, among other Things in the said Order contained) have ordered, That he should by you the said Constable and Borsholders, or by some or one of you, (upon some Day, between the Hours of Nine and Twelve in the Forenoon, in the Common High way in the Parish of *P.* aforesaid, over-against the House of *H. D.* there) be stripped from the Middle upwards, and then and there should be tied to the Tail of a Cart or Dung-Cart, and (being so stripped and tied) should be from thence drawn

drawn to the Watch-house of *P.* in the Parish  
aforesaid, and on the Way well whipped, in  
such manner as is in such Cases accustomed;  
and that he should within Six Days next after  
Notice of our said Order render his Body to you  
the said Constable and Borsholders, or some or  
one of you, ready to undergo his Punishment  
before ordered. And whereas it hath been duly  
proved before us, that after the making of the  
said Order, and by the space of Six Days and  
upwards before the Day of the Date hereof, the  
said *W. R.* (so as aforesaid the reputed Father of  
the said Bastard-Child) had Notice of the said  
Order, and yet notwithstanding hath not hither-  
to rendred his Body to you the said Constable  
and Borsholders, or any of you, according to  
the Purport of the same, and so hath not for his  
Part observed and performed the Order aforesaid:  
These are therefore (in Her Majesties Name) to  
command you the said Constable and Borsholders,  
and every of you, that you, some or one of you,  
do attach the Body of the said *M. R.* and him de-  
liver to the foresaid Keeper of the Goal aforesaid,  
to be by him kept in the same without Bail or  
Mainprize, (except he shall put in sufficient Sure-  
ty to perform the said Order, and also personally  
to appear at the next General Sessions of the Peace  
to be holden in the said County: And to abide  
such Order as the Justices of the Peace of the  
County aforesaid, or the more part of them,  
then and there shall take in that Behalf, if they  
then and there shall take any:) And that if at the  
said Sessions the said Justices shall take no other  
Order, then to abide and perform the Order be-  
fore made as is abovesaid. Commanding also  
you the said Keeper of the Gaol aforesaid to re-  
ceive

ceive then the said *M. R.* into the same, and him there safely to keep, according to the Purport and Tenour of this Precept. Given under our Hands and Seals at *P.* aforesaid, the last Day of June, Anno Dom. 1709. Annoq; Regni Domine Anna, Magnæ Britannia, Francia & Hibernia, Regina 7<sup>o</sup>.

*An Order for Relief of the Parish, in case of a Bastard, out of the Estate of the reputed Father.*

*To the Church-wardens and Overseers of the Poor of, &c. and every of them.*

S. ff. **F**Orasmuch as (upon your Complaint to us) it appeareth, That *J. D.* the reputed Father (or Mother) of a Bastard-Child born in the Parish aforesaid, hath lately run away out of the said Parish, and left the said Bastard-Child upon the Charge of the Parish aforesaid, altho' the said *J. D.* hath Estate sufficient to discharge the said Parish: These are therefore (in Her Majesty's Name) to require and authorize you, and every of you, that you, some or one of you, do seize and take so much of the Goods and Chattels, and receive so much of the Annual Rents and Profits of the Lands of the said *J. D.* as will amount to the Sum of, &c. which we do (according to the Form of the Statute in that Case lately made) order you to take and receive for or towards the Discharge of the said Parish, for the bringing up and providing for the foresaid Bastard-Child. Given under our Hands and Seals the, &c.

*A War-*

*A Warrant for Punishment of the reputed Father of a Bastard-Child, for not keeping the Child, and obeying the Order.*

*To the Constables, &c. and to the Keeper of, &c.*

S. ff. **W**Hereas upon our Examination of the Cause and Circumstances, and due Consideration thereof by us had, touching a Male Bastard-Child late born in the Parish of O. in the said County, of the Body of R. N. of O. aforesaid, Single Woman, (the keeping of which said Bastard-Child was at the Time of making the said Order chargeable to the said Parish, and hath ever since continued chargeable,) We did by an Order by us made, and subscrib'd under our Hands the 20th of *April* last past, (according to the Form of the Statute in such Case made and provided) adjudge R. S. of N. in the said County, Taylor, the reputed Father of the said Bastard-Child; and for the Punishment of the said reputed Father, and the better Relief of the said Parish, we did thereby order, That the said reputed Father should by the said Constable, or by the Borsholder of the Town-Borough (within the Hundred aforesaid), upon some Day of the Market to be holden in the Town of O. in the said County (within the Hundred aforesaid), between Notice given of that our Order given unto him, and the First Day of this Instant M. (and now lately past) at the *Market-Cross* in the Town aforesaid (between the Hours of Two and Five  
in

in the Afternoon of the same Day), be stripped naked from the Middle upwards, and tied to one of the Posts of the *Market-Cross* aforesaid (most visible to the said *Market*), and then and there openly whipped until his Body be bloody; and that he should, in such convenient Time after Notice of that our Order to him given, render his Body to the said Constable and Borsholder, or one of them (ready to undergo his Punishment so order'd), as that the said Punishment might be executed accordingly; and that the said reputed Father should pay to the Overseers of the Poor, or one of them, Forty Shillings by them disburs'd before the said Notice given, for or towards the Charge of keeping the said Child from the Time of its Birth; and that upon every *Monday* which (after Notice to him given of that our Order) should be during such Time as the said Bastard-Child should be chargeable to the said Parish of O. pay unto the Overseers of the Poor of the Parish aforesaid for the Time being, or to some or one of them, Fifteen-pence of lawful Money of *England*, towards the Charges by them disburs'd for the Relief of the Bastard-Child aforesaid; and that the reputed Father should for ever, after such Time as the said Bastard-Child shall first cease to be chargeable to the said Parish, discharge the Parish aforesaid of and from all future Charges whatsoever, for, touching or concerning, the Keeping or Relieving of the same: And whereas (after the making of the said Order, and by the Space of Six Days and upwards, before the Day of the Date hereof) the said R. S. had Notice of the said Order, and yet hath not observ'd or perform'd any Part thereof, on his Part to be observ'd and perform'd: There are therefore (in Her  
Ma-



Majesty's Name) to command you the said Constable and Borsholders, and every of you, that you, some or one of you, do attach the Body of the said R. S. and him to deliver to the foresaid Keeper of the Gaol aforesaid, to be by him kept in the same without Bail or Mainprise (except he shall put in sufficient Sureties to perform the said Order, or else personally to appear at the next General Sessions of the Peace to be holden in the said County), and also to abide such Order as the Justices of the Peace of the County aforesaid, or the more Part of them, then and there shall take in that Behalf (if they then and there shall take any); and that if at the said Sessions the said Justices shall take no other Order, then to abide and perform the Order before made as abovesaid. Commanding also you the said Keeper of the Gaol aforesaid, to receive then the said R. S. into the same, and him there safely to keep, according to the Purport and Tenour of this Precept. Given under our Hands, &c.

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*A Warrant for sending a Bastard-Child  
(found wandering) to the Place of its  
Birth.*

*To the Constable and Borsholders of, &c.*

S. ff. **W** Hereas upon our Examination we find,  
That A. D. being the Bastard-Child of  
C. D. and about the Age of Five Years, hath been  
found wandering and going up and down the  
Parish of N. and other Places hereabouts, and  
was

was (as we are credibly inform'd) born in the Parish of *L.* as appeareth by the Book of the said Parish: These are therefore (in Her Majesty's Name) to will and require you, that (according to the general Usage, Custom, and common Acceptance of the Law in case of a lost Child) you do convey the same Child to the said Parish of *L.* and that you the Church-wardens and Overseers of the Poor of that Parish do take due Care, that the said Child may be there provided for. Hereof fail not at your Perils. Given under our Hands and Seals, &c.

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*A Warrant for apprehending a Woman on Suspicion of having murder'd her Bastard-Child.*

*To the Constable, &c.*

S. ff. **W** Hereas I am inform'd, that *E. B.* hath had a Child lately born alive of her Body, and is suspected to have murder'd or made away the said Child since the Birth thereof: These are therefore (in Her Majesty's Name) to charge and command you, That immediately upon Sight hereof you do apprehend and bring the Body of the said *E. B.* before me or some other Justice of the Peace of the said County, to answer to all such Matters and Things as on the Behalf of Her Majesty shall be objected against her touching the Premisses. Likewise you are to make diligent Search by all lawful Means to find out the Truth of the Premisses, and to bring before me, or some other Justice of the Peace of the said County,

County, all such Persons as can give any Information on the Behalf of Her Majesty touching the Premises. And hereof fail not, as you will answer the Contrary at your Perils. Given under my Hand, &c.

*A Recognizance on Bail for Bastardy, where Two are Manucaptors for the Man in Custody.*

S. ff. **M**emorandum, *Quod decimo die Junii, Anno Regni, &c. Octavo, Annoq; Dom' 1709. M. R. de L. in Com' prad' Viſtualler, & E. M. de L. prad' Gen. venerunt coram me B. R. Armig' uno Juſtic' &c. ad pacem in Com' prad' conſervand' assign' Et manuceperunt & uterq; eorum manucepit pro N. T. de parochia de B. in Com' prad' Husbandman, sub pœna vigint' libr' legalis monetae Mag. Brit. quas quidem summas dict' Domina Regina debere conceſſerunt & uterq; eorum conceſſit de bonis & catallis, terris & tenementis suis fieri & levare ad opus & usum dict' Domina Reginae hæred' & ſucceſſor' ſuorum ſi præſat. N. T. deſecerit in conditione indorſat' &c.*

The Condition is to be indors'd on the Back of the Recognizance.

*A Condition for a reputed Father of a Bastard-Child to appear at the Quarter-Sessions.*

**T**HE Condition, &c. That if the above-bound R. E. shall and do personally appear at the next General Quarter-Sessions of the Peace to be holden

holden at *N.* for that Part of the County, and abide such Order as the Justices of Peace shall and do then and there take and make concerning the Bastard-Child born of *A. D.* of *B.* in the County of *S.* whereof he is accus'd to be the reputed Father, if the said Justices shall take or make any Order therein; and in Default of such Order by them to be taken or made, that then if the said *R. E.* shall and do perform the Order therein already made by *B. R.* and *T. W.* Two of Her Majesty's Justices of the Peace for the County aforesaid, then, &c.

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*A Condition of a Recognizance for the Appearance of the reputed Father of a Bastard-Child.*

**T**HE Condition of this Recognizance is such, That whereas the Overseers of the Poor of the Parish of *R.* above-mention'd, did on the Day of the Date above-written complain to the Justice above-nam'd, that *W. K.* of the Parish aforesaid, Single Woman, was then with Child of a Child, which when born is likely to be a Bastard, and chargeable to the said Parish: And whereas the said *W. K.* upon her Examination (the Day aforesaid) before the said Justice, did confess the same to be true, and charg'd the above-bound *J. H.* to have begotten her with Child of the Child aforesaid. If therefore the said *J. H.* do answer unto such Matters as shall be objected against him by the said *W. K.* touching the said Bastard-Child, then this Recognizance to be void, or else, &c.

*The*

*The Condition of a Recognizance of one  
charg'd to be the Father of a Bastard-  
Child before its Birth, to appear at the  
Sessions.*

**T**HE Condition of this Recognizance is such,  
That whereas upon Examination of *N. R.* in  
the said County of *S.* Single Woman, lately taken  
before the above-nam'd Justice of the Peace, it ap-  
peareth that she was then with Child, which  
(when it shall be born) is likely to be chargeable  
to the Parish where it shall happen to be so born:  
And whereas the said *N. R.* upon her said Exa-  
mination did charge the within-bound *O. B.* with  
the Begetting her with Child aforesaid: If there-  
fore the said *O. B.* do personally appear before  
Her Majesty's Justices assign'd to keep the Peace  
in the County aforesaid, at the next General  
Sessions of the Peace to be holden for the said  
County, at, &c. in the County aforesaid, to do  
and receive as by the said Court shall be enjoind  
(and shall in the mean Time be of good Beha-  
viour, as well towards Her said Majesty, as also  
towards all her Liege People), that then this Re-  
cognizance shall be void, or else it shall stand in  
full Force.

*A Bond for the Discharge of a Parish from  
the Charge of a Bastard-Child unborn.*

**N**Overint universi per presentes nos, T. B. & O. D.  
de R. in Comit. S. Yeomen, teneri & firmiter  
obligari B. N. & R. B. Yeomen, Guardian Ecclesie  
Paro-

*Parochial. de R. prædict. ab Anno in Ann. per spatium quatuordecim Annorum proxime sequen. in Quadrages. libris bonæ & legalis Monetæ Angliæ solvend. eisdem B. N. & R. B. & eorum successoribus. Ad quam quidem solutionem bene & fideliter faciend. Obligamus nos & utrumq; nostrum per se pro toto & in solid. Heredes, Executores & Administratores nostros & utriusq; nostrum firmiter per præsentis sigillis nostris sigillat. Dat. Vicefimo die Septembris, Anno Regni Dominae nostræ Anna, Dei Gratia Magnæ Britannia, Franciæ & Hiberniæ, Regina, Fidei Defensor. &c. Octavo. Annoq; Domini, 1709.*

The Condition of this Obligation is such, That whereas Joan, the Daughter of the above-nam'd T. B. was lately gotten with Child by one J. G. as appeareth as well by the Accusation of the said T. B. as also by the open Confession of him the said J. G. and she being as yet undeliver'd thereof, and likely to be chargeable to the said Parish of R. afore said; if therefore the above-bounden T. B. and J. G. or either of them, or either of their Heirs, Executors, Administrators, and Assigns, or any or either of them, do and shall from Time to Time, and at all Times hereafter, during the Space of Fourteen Years next ensuing the Birth of such Child or Children as now is or are in the Body of the said J. B. as yet unborn, save, defend, and keep harmless and indemnified, the Church-wardens and Parishioners of R. afore said and their Successors, and every of them, from any and all manner of Charges, Costs, Damages and Incumbrances whatsoever, that shall or may at any Time or Times hereafter happen to arise, come, be or accrue to them the said Church-wardens and Parishioners, and their Successors



cessors for the Time being, by or thro' the Means of the said Child or Children now in her Body, being and yet unborn as aforesaid, that then this present Obligation to be void, or else to stand in full Force and Vertue.

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*Another Condition to discharge a Parish of  
a Child born there.*

S. ff. **T**HE Condition of this Obligation is such, That whereas *W. R.* hath of late been deliver'd of a Man-Child within the Parish of, &c. above-written, to the which Child the within-bound *R. O.* by his own voluntary Confession doth acknowledge himself to be the Father: If therefore the said *R. O.* his Heirs, Executors or Assigns, or every or any of them, do from Time to Time, and at all Times hereafter, fully and clearly acquit, discharge and save harmless, as well the within-nam'd *H. R.* and *R. H.* Churchwardens of the Parish-Church of, &c. aforesaid, and their Successors for the Time being, and every of them, as also all the Inhabitants and Parishioners of the said Parish, which now are, or hereafter shall be, for the Time being, and every of them, of and from all and all manner of Costs, Charges and Expences whatsoever, which shall or may in any manner of wise at any Time hereafter arise, happen, come, grow, or be impos'd upon them, or any of them, for or by Reason or Means of the Birth, Education, Nourishing and Bringing-up of the said Child, and of and from all other Actions, Suits, Charges, Troubles, Im-

peach

peachments and Demands whatsoever, touching and concerning the same, that then, &c.

*A Release (from the Overseers of the Poor) to one that paid Ten Pounds to be freed from keeping a Bastard-Child.*

**T**O all Christian People to whom these Presents shall come. We B. O. of N. in the Parish of R. in the County of M. Gent. and R. M. of R. aforesaid, Barber, the now Overseers of the Poor for the said Parish of R. send Greeting. Whereas there was lately a Bastard-Child born within the said Town of R. begotten on the Body of one R. B. And whereas J. F. of D. in the County of S. Baker, is adjudg'd the reputed Father thereof: And whereas it is agreed by and between the said B. O. and R. M. and the rest of the Inhabitants of the said Town of R. and the said J. F. that for and in Consideration of the Sum of 10*l.* of lawful Money of England, to be paid to us the Overseers for the Poor by the said J. F. We the said Overseers and our Successors, and the rest of the Inhabitants of the said Town of R. should provide for, take Care of, and maintain the said Child, and save harmless and indemnifie the said J. F. of and from the keeping and maintaining it, and of and from all Taxes, Charges and Payments, now already, or hereafter to be tax'd or charg'd upon the said J. F. for and in Respect thereof. Now know ye, That we the said B. O. and R. M. have according to and in full of the said Agreement had and receiv'd of the said

I

R. E.

*R. E.* the Sum of 10*l.* and do, by and with the Consent and Direction, and for and on the Behalf of our selves, and the rest of the Inhabitants of the said Town of *R.* acquit, release, and for ever discharge, and free him the said *J. F.* of and from the said Sum of 10*l.* and from the keeping or maintaining the said Child, and of and from all Charges, Taxes and Payments, now already or hereafter to be charg'd or tax'd upon him the said *J. F.* to or for the same. *In Witness* whereof, we the said *B. O.* and *R. M.* have hereunto set our Hands and Seals at *N.* aforesaid, the First Day of September, Anno Domini 1709.

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*A Testimonial and charitable Request from  
Justices of the Peace for poor Men that  
have had Loss by Fire.*

[See of Shipwreck'd Persons *postea*, 268.]

S. ff. **T**O all Christian People to whom this present Writing or Testimonial shall come to be seen, heard or read; *A. B. C. D.* and *E. F.* Esquires, Three of the Justices of the Peace within the said County of *S.* send Greeting. Whereas it is both godly, and consonant to Christian Charity, in Matters doubtful and ambiguous, to certifie and report the Truth; We have thought it our Duty (at the earnest and lamentable Suit and Petition of our loving Neighbours, the Bearers or Bringers hereof, *G. H. I. K. L. M. &c.*) to publish and declare unto your common Knowledge, That on the Tenth of *M.* last past, between Three and Four of the Clock in the Morning,

ing, by Casualty and great Mischance by Fire; as well their several Dwelling-Houses, to the Number of, &c. and all other Edifices and Buildings to every of their said Dwelling-Houses belonging; and also all their Corn, and most of their several Goods and Household-stuff, were consum'd, wasted and burnt, to the great Danger of the Bodies of them and their Families, and their exceeding great Loss and Impoverishment. *And* forasmuch as it is a godly and charitable Deed to further, help and relieve, such poor, needy and miserable Persons (being of honest Name, Fame and Conversation), as they who have suffer'd this great Loss: And for that the Bearers hereof, in Behalf of themselves and their Neighbours, are inforc'd by reason of their Losses to seek for Help and Succour for their Relief. And we knowing their Estate to be such as is premis'd, and mov'd with Commiseration of their sad Estate and Condition, *Have* therefore, as much as in us lieth, given Licence unto them, and every of them, to make their Repair from Parish-Church to Parish-Church, and to every Parish-Church and Chapel, Town and Place, within the County of S. to ask, receive and take, the charitable Benevolence of all good and well-dispos'd People towards the Recovery of their said great Losses. *And* our Request farther is, That you, and every of you, to whom they shall repair, do extend your loving Favour and Charity unto them, permitting them without your Denial to execute the Tenour of this our Licence; desiring all Ecclesiastical Persons, to whom these distress'd Persons shall make their Address in this Behalf, to declare the Tenour hereof to their Parishioners in every of their Parish-Churches and

Chapels on every *Sunday*, or other Festival Days, exhorting them to extend their Charity in this Behalf; and those whom it concerns, to aid and assist them in the Collection thereof. In Witness, &c. *ut in aliis.*

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*Another charitable Request made by Justices of the Peace for the Relief of one Person only who had lately been ruin'd by Fire.*

S. ff. **W**E whose Names are hereunto subscrib'd, Her Majesty's Justices of the Peace of the County of S. having receiv'd credible Information, That R. L. of the Parish of K. in the County aforesaid, *Yeoman*, upon the . . . Day of . . . last past (by a sudden Fire happening in his Dwelling-house in the said Parish), had his Goods (to the Value of Fifty Pounds) suddenly burnt and consum'd, (to the utter undoing him, his Wife and Children) unless he be reliev'd by the Charity of well-dispos'd People. We therefore taking the said Loss into Consideration, and much commiserating the same, Do, upon the aforesaid humble Petition of the said R. L. (so far forth as lawfully we may,) earnestly recommend his said sad Condition to the charitable Consideration and Benevolence of all well-dispos'd People inhabiting within the Parish aforesaid, desiring them to contribute (what God shall move their Hearts unto) towards his Help and Relief, therein desiring also the Minister and Churchwardens of the Parish aforesaid to promote the said charitable Work. Given under our Hands, &c.

*A Cer-*

*A Certificate for obtaining a Brief upon a  
Loss by Fire.*

*To the Right Honourable William Lord Cowper,  
Baron of Wingham, Lord High Chancellor of  
Great Britain.*

**W**E Her Majesty's Justices of the Peace of the County of *S.* do certifie your Lordship, That at Her Majesty's Court of General Quarter-Sessions of the Peace holden at *M.* for the said County of *S.* on *Monday* the 9th of *March* last past, it did then and there appear unto us the said Justices sitting in open Court, as well upon the Oaths of *A. B.* and *C. D.* Carpenters, and *C. D.* and *E. F.* Bricklayers, as also upon the Oaths of *G. H.* and *J. K.* Two of the most substantial Inhabitants of the Town of *W.* within the said County of *S.* That on *Monday*, the 28th Day of *February* last past, between Eight and Nine of the Clock in the Evening of the same Day, by Casualty and great Mischance, a sudden and terrible Fire did break forth at the said Town of *W.* which by reason of the Fierceness thereof (within the Space of Six Hours) burnt down and consum'd the Dwelling-houses, Barns, Stables, Cow-houses, and Out-houses, of above Ten of the Inhabitants of the said Town of *W.* together with their Corn, Hay, and most of their several Goods and Household-stuff, to the great Danger of the Bodies of them and their Families, and to their exceeding great Loss and Impoverishment: And that the whole Loss sustain'd thereby did



amount to 3000 *l.* and upwards; so that the said Inhabitants with their Families are totally impoverished, and are no Ways able to subsist, but must necessarily perish, unless they shall be timely reliev'd by the charitable Benevolence of well-dispos'd People. And we do farther certifie, That we have taken Bond of several of the Inhabitants, that no Part of the Money collected shall be apply'd to the Benefit of any Landlords, or other Person of Ability, either in rebuilding his House, or otherwise, nor that the said Inhabitants shall assign over their Collections to any other Person or Persons whatsoever. *In Witness, &c.*

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*A Licence and Testimonial for such as have suffer'd Shipwrack.*

*To all Constables, &c.*

*S. ff. R. G. of W. in the said County, Esq; One of Her Majesty's Justices, &c. Forasmuch as the Bearer hereof, L. M. aged about Twenty Four Years, having lately been at Sea in a Ship called the, &c. and hath suffer'd Shipwrack, and got to Land at D. in the said County of S. upon the Third Day of, &c. last past, as I am credibly inform'd, as well by the Report of the said L. M. as also by the Testimony of divers the Inhabitants of S. aforesaid. And for that the said L. M. hath not wherewithal to relieve himself in his Travel homewards to K. in the County of H. where he saith he was born, (or hath a Dwelling, &c.) These are therefore to pray you, and every of you, to whom these Presents shall come,*

*not*

not to molest or trouble the said *L. M.* in his Travel to *K.* aforesaid, where he is limited to be within, &c. Days next after the Date hereof, but desiring you rather to relieve him in his Necessity as to you shall seem meet; and withal, you the Constables of every Town where he shall come, to help him with Lodging in convenient Time, so that he travelleth the direct Way to *K.* aforesaid, not doing any Thing contrary to the Laws and Statutes of this Realm. *In Witness, &c.*

*Note,* But now by Stat. 8 & 9 W. 3. c. 25. & 9, 10. W. 3. c. 27. Hawkers, Pedlars and Petty Chapmen, are to be licens'd by Commissioners appointed by the said Statutes. But if such Hawker, &c. upon Demand of any Justice of Peace, Mayor, Constable, or other Officer of the Peace, refuse to shew his Licence, he shall forfeit 5 *l.* to the Use of the Poor of the Parish where the Demand was made, and for Non-payment suffer as a common Vagrant, and be sent to the House of Correction.

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## Houses of Correction.

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*A Warrant and Directions for a General Privy-Search, for apprehending Rogues, &c.*

*To the Constable and Barsholders, &c.*

S. ff. **F**Orasmuch as it is observ'd, That (for want of due Execution of the good Laws and Statutes of this Realm, made and provided for the

the apprehending and punishing of Rogues, Vagabonds, sturdy Beggars, and other wandering and idle Persons), the Number of them does daily encrease within this Division, to the great Prejudice of the Inhabitants therein: (For the better Prevention whereof for the future, and of Robberies, Burglaries, and other Felonies and Misdemeanors, often occasion'd thereby,) These are therefore (in Her Majesty's Name) to command you, and every of you, diligently to observe and perform our Directions in the Premises herewith sent unto you, as you, and every one of you, will answer to the Contrary at your Perils. Giving you farther hereby to understand, that we shall from Time to Time require a strict Account of your due Observance and Execution of the same; and in case of Negligence of you, or any of you, therein, we shall forthwith (upon Knowledge thereof) proceed with Effect (according to Law) to punish such of you as shall so neglect the same. Given under, &c.

1. That you do henceforth take special Care to apprehend all Rogues, Vagabonds, sturdy Beggars, and other wandering and idle Persons, and punish and pass them away according to Law.

2. That you do in one Night, within every Week, between the Date of the Precept aforesaid and our next Meeting, make a General Search within the said Hundred, in all suspicious Places, for the finding out and apprehending of all Rogues, Vagabonds, sturdy Beggars, and other wandering and idle Persons, and such as in the said Search you shall find and apprehend, that you do punish and pass them away according to Law.

3. That

3. That you do cause Watches to be duly kept in fitting Places of the said Hundred, by honest and able Men of the same, every Night, from Sun-setting until Sun-rising, from *Ascension-day* until the Nine and twentieth Day of *September* next ensuing, according to the Statute made at *Westminster* in the Thirteenth Year of the Reign of the late King *Edward I.*

4. That you do forthwith bring before us, or some one of us, or some other of Her Majesty's Justices of the Peace of the said County, all such Rogues, Vagabonds, sturdy Beggars, and other wandering and idle Persons, as you shall apprehend by Day or Night, and conceive to be more than ordinarily dangerous, or to be suspected for any Murther, Robbery, Burglary, Felony, or other Misdemeanor, to the end they may be farther dealt withal as to Justice doth appertain.

5. That you do from Time to Time (and more especially at every of our Assemblies or Meetings herein after-mention'd) present unto us the Names of all such Persons within the said Hundred as be Masterless, or live out of Service, or be common Alehouse-haunters, or Expenders of their Money in Riot (not duly labouring for their Living, and not having whereby so to maintain them).

6. And the Names of all unlicens'd Alehouse-keepers within the said Hundred, or notoriously suspected so to be.

7. Together with the Names of such licens'd Alehouse-keepers within the same as are of evil Behaviour, or do suffer evil Rule, Gaming, or other Disorder, to be kept in their said Houses.

8. And the Names of such Witnesses as can or will testify the Keeping of any such Alehouse unlicens'd, or the evil Behaviour thereof, or suffering evil Rule, Gaming, or other Disorder, by any of the said licens'd Alehouse-keepers.

9. And that you do give Notice unto all and every the said Witnesses, that they and every of them are by us requir'd to appear before us accordingly, to testify their several Knowledges touching the same.

10. And that you do likewise give Notice unto all and every the said Persons so by you to be return'd, all Persons out of Service, riotous Spenders, unlicens'd Alehouse-keepers, or disorderly licens'd Alehouse-keepers, that they and every of them are by us requir'd to appear before us, or some of us, as aforesaid, to answer the Premises, and farther to do and receive as to Justice doth appertain.

11. That you do from Time to Time, at every of our said Assemblies or Meetings, deliver unto us, or some of us, in Writing, an Account of what you have done in Pursuance of the Directions before mention'd.

12. That (taking Assistance of sufficient Men of the said Hundred) you do in the Night before every of our Days of Assembling or Meeting hereafter mention'd, that is to say, [*Here put the Days of Meeting of the Justices*] make a General Privy-Search within every of the Parishes, Villages and Hamlets, within the same, for finding out and apprehending of all Rogues, Vagabonds, and wandering and idle Persons, in and about the said Parishes, Villages, and Hamlets; and that such Rogues, Vagabonds, and wandering and idle Persons (as you shall then find and apprehend  
in

in the said Search), you do cause to be brought before us, or some of us, on the Day, and at the Place of our Assembly or Meeting aforesaid, at Ten of the Clock in the Forenoon of the same Day, there to be examin'd of their idle and wandering Life, and to be farther dealt withal according to Law.

13. And that you be then and there also ready to give Account and Reckoning (upon Oath in Writing, and under the Hand of the Minister of each respective Parish) what Rogues, Vagabonds, and disorderly Persons, you have apprehended within the said Search, and also between every such Assembly and Meeting; and how many have been by you punish'd, or otherwise sent unto the House of Correction, (*according to the Form of the Statute in that Behalf made in the Seventh Year of the Reign of the late King James I.*) and upon such Fines, Pains, and Penalties, as are in the said Statute contain'd (in case you, or any of you, do neglect to perform what is in this Behalf before commanded).

*Lastly*, That upon some Day (about Three or Four Days before every of our said Assemblies or Meetings) you the said Constable and Børsholders do meet and consult together, touching the making of your Return to us of what you have done between every such our Assembly or Meeting; and do also then agree how to divide yourselves in your then next Search, and where to meet in the Morning then next following, for your more ready giving to us your Account of what you have done in the said Search.



*A Mittimus of a Rogue to the House of Correction, taken in a General Search.*

*To the Constable and Borsholders of the Hundred of A. and to every of them, and to the Keeper of the House of Correction for the said County at B. in the County aforesaid.*

S. ff. **F**Orasmuch as it appeareth unto me, that *N. G. of, &c. is of lewd Life, &c.* These are therefore (in Her Majesty's Name) to command you the said Constable and Borsholders, and every of you, that you, some or one of you, do take the said *N. G.* and him [or her] safely convey, or cause to be convey'd, to the aforesaid House of Correction, and there deliver him [or her] to the said Keeper of the same, there to be punish'd and set on Work during the Space of, &c. delivering also to the said Keeper this Precept: Commanding likewise you the said Keeper to receive *N. G.* into the said House, and him [or her] there to punish and set on Work (according to the Tenour of this Precept). Hereof fail not at your Perils. Given under my Hand and Seal at, &c.

*A Mittimus of an idle Person out of Service, &c.*

*To the Constable, &c.*

S. ff. **F**Orasmuch as *G. B. of, &c. is an idle and disorderly Fellow*: These are therefore (in

(in Her Majesty's Name) to command you the said Constable and Bortholders, that you, some or one of you, do safely convey the said G. B. to the aforesaid House of Correction, and him there deliver to the said Keeper of the same, together with this Precept: Commanding also you the said Keeper to receive him into the said House, and there set him to work and labour from Time to Time by the Space of, &c. next after such his Delivery unto you; in the mean Time to punish him according to Law. Hereof fail not at your Perils. Given under my Hand and Seal at, &c.

*Note, It may be as follows;*

*Forasmuch as G. B. is an idle, dissolute and disorderly Fellow,  
One that will not keep his Service,  
Follow any honest Course of Life,  
Sturdy Beggar,  
Idle and disorderly Person,  
Of evil and disorderly Life and Conversation,  
Liveth idly out of Service (notwithstanding our Command to the Contrary),  
Will not be reformed of his said idle Kind of Life, and evil and disorderly Conversation, or to that Effect.  
Or, That he is a Rogue, Vagabond, or an idle wandering Person, &c.*

*A Mis-*

*A Mittimus to the House of Correction of an idle Person that would run away, and will not work to maintain his Family; (and if he run away, and leave his Family, then he is call'd an incorrigible Rogue.)*

*To the Constable, &c.*

S. fl. **F**Orasmuch as it hath been prov'd before us upon Oath (according to the Form of the Statute in that Case made and provided), That *A. B.* of the Parish of *D.* aforesaid (being able to work, and thereby relieve his Family), hath threatned to run away, and leave his said Family upon the Parish of *D.* aforesaid: These are therefore (in His Majesty's Name) to command you the said Constable and Borsholders, and every of you (unless he do put in sufficient Sureties for the Discharge of the Parish), that you, some or one of you, do take the said *A. B.* and him safely convey to the said House of Correction, and there deliver him to the said Keeper of the same (together with this Precept): Commanding also you the said Keeper to receive him into the said House, and there deal with him and detain him as a sturdy and wandering Rogue, and to be deliver'd at the next Assembly or Meeting, within this lower Division of *R.* for the better Execution of an Act of Parliament made in the Seventh Year of the Reign of our late Sovereign Lord King *James I.* over England, &c.

(en-

(entituled, *An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons*), or at the Quarter-Sessions, and not otherwise. Hereof fail not at your Peril. Given under our Hands and Seals at, &c.

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### *A Liberate from thence.*

*To the Keeper of the House of Correction for the County at R. in the County aforesaid.*

S. ff. **W** Hereas *A. B.* was by Warrant from us sent to the said House of Correction, and is at present in your Custody there: Now if the said *A. B.* is in your Custody for the Cause aforesaid, and no other, we do hereby authorize and command you forthwith (upon Receipt hereof) to set him the said *A. B.* at large from your said Custody, for which this shall be your sufficient Warrant. Given under our Hands and Seals at *R.* in the said County, &c.

*Note, If any mean Person but threaten to run away, and leave his Family to the Parish, any Two Justices of that Divison may send him to the House of Correction, it being provid by the Oath of Two Witnesses. Dalt. 207, &c.*

Licen-

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## Licences and Passports.

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### *A Licence or Passport for a poor Man to his Friends for Relief.*

*To all Constables, &c.*

S. ff. **R.** G. and J. D. Esquires, Two of Her Majesty's Justices of the Peace for the same County, Greeting. *Forasmuch as A. B. of C. &c.* the Bearer hereof, being reduc'd to great Poverty and Necessity, hath desir'd a Testimonial or Licence for his safe Travel unto the City of T. in the County of T. where he saith he was born, and hath some Friends yet living, by whose Means and Friendship he hopeth to be fully reliev'd and holpen: In Consideration whereof, *Know ye*, that we the said R. G. and J. D. (as far as in us lieth) have licens'd the said A. B. to travel and pass the direct Way from C. unto the said City of T. so that his Journey be not for longer or farther Continuance than Twenty Days next after the Date hereof, praying you, and every of you, not to molest or trouble the said poor Man in his Travel, but to permit and suffer him to pass, so that he shew himself in no respect offensive to Her Majesty's Laws. *In Witness whereof, &c.*

Note, *These Passports are often made to travel upon other Occasions, and the Party ought to be particularly describ'd therein, lest any other Person make Use thereof.*

*A Li-*

*A Licence to beg.**To all Constables, &c.*

S. ff. **R.** G. and J. D. Esquires, Two of her Majesties Justices of the Peace within the County aforesaid, Greeting. *Whereas* the Bearer hereof, A. B. of C. in the County aforesaid, being a very poor Man and blind, by reason whereof he is not able to labour, nor get to live of himself without the charitable Relief of others, and being now resident in the said Town of C. is therefore to be reliev'd: And being likewise inform'd, that the Town is at this present charg'd with more poor and impotent People than it is able to relieve; *Know ye* therefore, that we the said Justices have licens'd and allow'd the said poor Man and his Leader to go abroad, and beg, gather and receive the charitable Alms of well-dispos'd People inhabiting and dwelling within the Hundred of, &c. in the said County, requiring you not to molest or trouble the said poor Man or his Leader for so doing, but desiring you rather to relieve him and his Leader in their Necessity, as to you shall seem meet: This our Licence to remain and be in Force for One whole Year next ensuing the Date hereof, and no longer. *In Witness* whereof, we have hereunto set our Hands and Seals, &c.

*Or it may be thus:*

S. ff. **M**emorandum, that A. B. of C. for reasonable Considerations, is licens'd to beg within the Hundreds of E. F. and G. in the said



said County. *Given under the Seal of that Limit  
this Second Day of July, Anno Dom. 1709.*

## Plague, &c.

### *A Pass or Certificate in the Time of the Plague.*

*To the Constable, &c. and other His Majesty's Of-  
ficers within the said County, to whom these Presents  
shall come respectively.*

S. ff. **W** *Hereas A. B. of C. having Occasion to  
go unto E. and several other Places in  
the said County, to dispatch Business in which  
he is employ'd, hath this Day desir'd a Pass from  
us, that he may go and return without Molesta-  
tion or Interruption: These are therefore to cer-  
tifye all whom these Presents may concern, That  
the Parish of C. aforesaid is free from the In-  
fection of the Plague; and also to will and re-  
quire you, and every of you, to permit and suffer  
the said A. B. peaceably and quietly to go into  
and return from E. aforesaid, and such other  
Places as the said A. B. shall go unto by reason of  
his Business aforesaid; the said A. B. in his Pas-  
sage to and from the Places aforesaid demeaning  
himself civilly, without disturbing or inter-  
rupting the King's Majesty's Peace. *Given under  
our Hands and Seals, &c.**

*The*

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*The Oath of the Searchers for the Plague.*

**Y**OU shall swear, That you carefully search, enquire and examine, all such Persons as shall die within the Parish of *A.* and you shall truly publish and declare whether any such Persons do die of the contagious Sickness of the Plague, either by any Sign that shall appear by the *Tokens, Rising Sores,* or otherwise, without any conniving in any Manner whatsoever, to the utmost of your Judgment, Understanding and Knowledge, or of what other Disease they shall die. *So help you God, &c.*

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*The Bearer's Oath in the Time of the Plague.*

**Y**OU shall well and truly serve in the Place of a *Bearer* at the visited House or Houses where you shall be employed and appointed; you shall not purloin or carry away any Goods whatsoever forth of the said House or Houses; and you shall have a special Care not to come into any Company, but continually to remain in such a Place as shall be appointed for you, excepting such Times as you are employ'd in your said Office of a *Bearer*; and in every other Thing that belongeth to that Place, you shall, accordingly as you shall be directed by the Officers, well and faithfully behave your self. *So help you God, &c.*

*The*

*The Examiner's Oath.*

**Y**OU shall well and truly execute the Office of Examiners for Health within the Parish of *A*. You shall truly enquire and learn from Time to Time what Houses within the said Parish be visited, and what Persons be sick, of what Diseases, as near as you can inform your selves; and upon Doubt in that Case, you shall command Restraint of Access, until it shall appear what the Disease shall prove; and if you shall find any Person sick of the Infection, you shall give present Order to the Constable that the House be forthwith shut up: And if you find the Constable remiss or negligent therein, then to acquaint some Justice of the Peace within the Liberty or County therewith. You shall see the visited Persons and their Attendants weekly paid, and in every other Thing belonging to your Office, according to the Statute, and the Book of Orders set forth by His Majesty and His Privy-Council, for the better ordering of visited Houses, you shall well and faithfully behave yourself. *So help you God, &c.*

*Note, A Justice may (by his Discretion) appoint Searchers, Watchmen, Examiners, Keepers and Buriers, for Persons and Places infected with the Plague, give them their Oaths for Performance of their Offices, and other Directions as to his Discretion shall seem good. 1 Jac. I. c. 31. Dalr. c. 6. p. 22. &c. 145. c. 72.*

*A War-*

*A Warrant to shut up a House which is infected, and to take Care for their present Maintenance.*

*To the Constable, &c. and to the Church-wardens and Overseers of the Poor, &c.*

**W**HEREAS we are credibly inform'd, That the Plague is in the House of *A. B.* whereof one died, and that divers of the Inhabitants of your said Parish have resorted to the said House both before and after the said Party was dead, and especially *C. D. E. F.* and *G. H.* in the House of *J. K.* by reason whereof it is feared that they are sick, and so by reason thereof the Sickness is like to encrease and spread farther in the Town, unless there be speedy Provision made for the preventing thereof. *These are therefore* (in His Majesties Name) to charge and command you, that forthwith you cause the said House so infected to be shut up, and that you appoint a *Warder* at the Door to keep them from coming forth, and others from going to them: And that you the Church-wardens and Overseers of the Poor be careful that the Parties shut up be sufficiently provided for, for their present Relief and Sustainance. *And farther*, that you cause the said *J. K.* and his Family to keep themselves within their own Doors; and that in the mean Time he forbear to victual, or let any come into his House, till he hath farther Order: And of your farther Care and Diligence herein we do expect a continual Account, that we may give farther

farther Directions as Occasion shall require. And we farther order and advise the Parishioners, that they be very careful not to mingle themselves with those that have been of the same infected House. And of this our Warrant we require you to give special Notice. Hereof fail not at your Perils. Given under our Hands and Seals, &c.

Note, If any Person go abroad after Restraint, having any Infectious Sore upon him uncur'd, it's Felony; if he have no Sore upon him, he is to be punished as a Vagabond, and bound to the good Behaviour for a Year. 1 Jac. I. c. 31. 39 Eliz. c. 4.

### *A Warrant to make a Rate for the Relief of the Persons infected.*

*To the Church-wardens and Overseers of the Poor of the Parishes of, &c.*

S. fl. **F**Orasmuch as Information hath been given unto us by Certificate, that the Parish of *A.* within this County is infected with the Plague, and do find themselves unable to relieve the poor infected Persons, and therefore have need of Relief from the adjacent Places Five Miles about, according to the Statute in that Behalf provided. These are therefore (in His Majesty's Name) to command you, and every of you, to come before us on the First Day of *July* next, at Ten of the Clock in the Forenoon, at *R. in W.* &c. and bring with you your Books of Rates for the Poor, to the end that an equal weekly Rate and Assessment may be made for the

the Purposes aforesaid. Hereof fail not at your Perils. Given under, &c.

### *King's-Evil.*

*A Certificate, That one hath not been touch'd for the Evil.*

**W**E the Minister and Church-wardens of the Parish of *A.* in the County (City, or Town) of *B.* do hereby certify, That *C. D.* of the said Parish of *A.* aged about ... Years, is afflicted, as we are credibly inform'd, with the Disease commonly call'd the *King's-Evil*, and (to the best of our Knowledge) hath not heretofore been touch'd by Her Majesty for the said Disease. In Testimony whereof, we have hereunto set our Hands and Seals this, &c.

Registered by *N. O.*

*G. H.* Minister.

*F. K.*

*L. M.*

} Church-wardens.

*Another Certificate of the same.*

**W**E the Rector and Church-wardens of the Parish of *C.* in the County of *D.* whose Names are hereunto subscrib'd, do upon good Information certify, That *E. F.* the Son (or Daughter) of *T. F.* of the Parish aforesaid, hath the Disease or Distemper commonly called the *King's-Evil*, and hath not as yet been touch'd by Her Majesty for the same. Given under our Hands and Seals this 14th Day of *April*, Anno Dom. 1713.

Note,



Note, By order of K. Ch. II. dated 9 Jan. 1683, the Times appointed for Touching are, from All-Saints Day till a Week before Christmas, and after Christmas till the First Day of March, and then to cease till the Passion-Week. The Certificate to be under the Hands and Seals of the Parson, Vicar or Minister, and of both or one of the Church-wardens where they dwell, or from whence they come, who are to keep a Register thereof.

A Weekly Rate made the 10th Day of March, &c. by C. R. and S. N. Esquires, Two of His Majesty's Justices, &c. with the Assistance of the Church-wardens and Overseers of the Poor of the Parishes within Five Miles compass of the Parish of A. at this Time infected with the Plague, to be paid by the Inhabitants of the same Parishes Weekly for their Relief, during the Time of the Infection, according to the Statute in that Behalf provided.

THE Inhabitants of the Parish of B. to pay Weekly as followeth:

	s.	d.
A. B.	0	10
C. D.	0	6
E. F.	0	4, and so of the rest.

---

*A Confirmation of the Poor's Rates at a  
General Quarter-Sessions, upon Com-  
plaint of the Inhabitants.*

WE whose Names are hereunder subscribed,  
Two of Her Majesty's Justices of the Peace  
for the County of S. and both of the *Quorum*,  
being appointed at a General Quarter-Sessions of  
the Peace held at N. in the County aforesaid,  
this 10th Day of July now instant, 1709,  
to hear and examine the Differences betwixt  
the Parishioners of the Parish of N. in  
the County aforesaid, and the Overseers of the  
Poor of the said Parish, in reference to a Rate  
made, whereby some did urge that they were  
over-rated; and upon Examination of the said  
Matters, We do find that the said Rate complain-  
ed of is the same as was formerly made for Two  
Years last past. And we do thereupon, accord-  
ing to the Statute made in that Behalf, confirm  
the said Rate, in respect that the Complainants  
are fully satisfied with the same, as the Church-  
wardens and Overseers do affirm

J. T.

R. G.

An

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*An Allowance and Confirmation of the Rates for the Poor, with a Warrant to levy the same.*

S. ff. **S**een, ratified, and allowed by us, whose Names are hereunder written, Two of Her Majesty's Justices of the Peace within the County aforesaid. And we do hereby authorize the present Church-wardens and Overseers for the Poor within the Parish of N. and every of them, to levy by Way of Distress and Sale of the Goods of all such Persons as shall refuse or neglect to pay the several Taxations aforesaid, (upon them imposed) rendring to the Owners the Overplus which shall remain upon the said Sale, according to the Statute in that Case made and provided. Given under our Hands and Seals, &c.

J. T.  
R. G.

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*A Warrant to restrain for the Poor's Tax.*

*To the Church-wardens, &c.*

S. ff. **F**Orasmuch as Complaint hath been made by you unto us, That the several Persons hereunder named have refused to pay unto you the several Sums of Money adjoined to their several Names, being assessed upon them severally for and towards the necessary Relief of the Poor  
of

of the said Parish, (according to the Form of the Statute in that Case made and provided) ; *These are therefore* (in Her Majesty's Name) to command you, that you, some or one of you, do forthwith levy the said several and respective Sums of Money by Distress and Sale of the several and respective Goods of the said several and respective Offenders, rendering to the Parties the Overplus. And in Defect of such Distress, that then you, some or one of you, do certify the same unto us, to the end that there may be such farther Proceeding touching the Premises as to Justice doth appertain. *Given* under our Hands and Seals at, &c.

A. B. 1 s. 6 d.

C. D. 1 s. 6 d.

E. F. 1 s. 4 d.

Note, *The Causes for Taxes are Three: First, To set the Poor a Stock. Secondly, To relieve the Impotent by Money. Thirdly, To put out Apprentices.* Dalt. 150.

*And all Things that are Real, and a Yearly Value, must be taxed.* Dalt. 165.

*A Warrant to levy the Weekly Relief.*  
( Vide post 291. )

*To the, &c.*

S. n. **F** Orasmuch as there being a Rate or Assessment made for your Parish of B. (annexed to this Warrant) for the Relief of the Inhab-

habitants of the Parish of *A.* in this County, at present infected with the Plague, according to the Statute in that Behalf made and provided. *These are therefore* in (Her Majesty's Name) to command you, that you, some or one of you, do forthwith levy and collect the several and respective Sums of Money of the Persons therein respectively named, by Distress and Sale of the Goods of the Offenders, rendring to the Parties the Overplus, if any be. And the same Money so by you received, to be paid to the Overseers of the Poor of the said Parish of *A.* and give in the same upon your Account at the end of your Year. Given under our Hands and Seals, &c.

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*A Warrant to levy Relief for the Poor.*

*To the Church-wardens and Overseers, &c.*

S. H. **W** *Hereas* Complaint hath been made unto me, That *E. O.* of your said Town, who is a very poor Woman, is now very sick and weak, and is utterly disabled to provide for herself, or her Children, so that all of them are in Danger of Perishing for want of Sustenance. *These are therefore* (in Her Majesty's Name) straightly to charge and command you, and every of you, that immediately upon Sight hereof, you, or some of you, do by a General Levy throughout the whole Town, or otherwise, make such an Allowance to the said *E. O.* as may be convenient for and towards the Relief of herself and Children, or forthwith shew Cause, if you can, why you refuse to make the same. And hereof, &c.

*A Warrant to provide a Stock to set the Poor at work, and to provide Relief for them.*

*To the Overseers, &c.*

S. ff. **W** Hereas by an Act of Parliament made in the Forty-third Year of the Reign of the late Queen *Elizabeth*, Entituled, *An Act for the Relief of the Poor: These are to will* and require you, whose Names are hereunder written, that you, together with the Churchwardens of your Parish for the Time being, do, according to the same Statute, take Order from Time to Time (for this Year to come) for the setting to work all the Poor within your Parish (as well married as unmarried) that are able to work, and have no Means to maintain themselves, nor use no ordinary and daily Trade of Life to get their Living by; and also for the placing out, as Apprentices, all such Children within your said Parish as are fit to be put forth, whose Parents are not able to keep and maintain them; and also for the raising a convenient Stock of *Flax, Hemp, Wool, Thread, Iron*, and other necessary Wares and Stuff in your said Parish for that Purpose; and also for the providing of necessary Relief for all such Poor with your said Parish as are *Lame, Old, Blind, Impotent*, and unable to work; wherein if you be found negligent, or shall fail to meet once a Month to confer together for the Purpose aforesaid, then you are to forfeit Twenty Shillings apiece for every

O 2

Month



Month that you shall be found remifs or careless therein. And therefore see that you fail not in the Premises at your Perils. Dated, &c.

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*A Warrant for the Overseers of the Poor to account and name other fit Persons for the Year ensuing.*

*To the Constable and Borsholders of A. &c.*

S. H. **T**Hese are (in Her Majesties Name) to command you to give Notice to the Church-wardens and other the Overseers of the Poor of *A.* that they are by us required Personally to appear before us at the House of *S. W.* in *O. &c.* upon *Monday* the Tenth Day of *May*, at Ten of the Clock in the Forenoon of the same Day, to make and yield up unto us a true and perfect Account in Writing of all Sums of Money by them received, or rated and assessed and not received, for and towards the Relief of the Poor of *A.* and also of such Stock (to set the Poor on Work) as is in their Hands, or in the Hands of any of their said Poor, to work, and of all other Things concerning the said Office. And that hereof they fail not at their Perils. And you are farther hereby commanded to signifie unto them, that they do then and there also certifie unto us the Names of such other substantial Housholders of *A.* as are thought meet to be Overseers of the Poor there for the Year ensuing. Hereof fail not at your Perils. Given under our Hands and Seals at the, &c.

Note,

Note, If there be no Nomination of Overseers of the Poor Yearly, every Justice dwelling within the Division shall forfeit to the Poor 5 l.

*A Warrant to appoint new Overseers, and to impower them to make Provision for the Poor during a Year.*

To A. B. and C. D. Overseers of the Poor for the Parish of E. in the County of S.

S. ff. **BY** Vertue of a Statute made in the 43d Year of Queen Elizabeth, Entituled, *An Act for the Relief of the Poor, &c.* We do appoint you (whose Names are above-written) Overseers of the Poor within the said Parish for One Year. And these are in Her Majesty's Name to require you, That (according to the said Statute) you take Order from Time to Time for this Year to come for the setting to work the Poor within your Parish, and to make a Rate of the Inhabitants of the same from Time to Time by a Monthly Assesment, for the raising of a convenient Stock of some Ware or Stuff in your Parish for the providing of necessary Relief for such as be Lane and Impotent among you, and for the placing out as Apprentices such Children whose Parents are not able to maintain them. And for the better effecting hereof, you the said Overseers, together with the Church-wardens, are hereby required to assemble and meet together once every Month, and take Order in the Premises : And if any of your Parish do refuse to

pay such Sum and Sums of Money as are rated and assessed upon them from Time to Time, for the Uses aforesaid, according to the said Statute, or any former Assessment now in Arrears and uncollected, then you are hereby authorized to levy the same by Distress and Sale of the Refuser's Goods, rendring the Overplus (if any be) to the Owners thereof, the said Assessment having been first allowed under the Hands of Two Justices of the Peace for the said County. Fail not herein at your Perils. *Given* under our Hands and Seals at *A. &c.*

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*A short Warrant to appoint new Overseers of the Poor to take their Charge.*

S. ff. **W**E whose Names are hereunto subscribed, Justices of the Peace for this County of S. do approve and appoint T. D. and J. R. of, &c. to be new Overseers for the Poor of the said Parish for the Space of one whole Year next ensuing the Date hereof, commanding them, together with the Church-wardens, to provide for the said Poor (according to the Form of the Statute in such Case made and provided). *Given* under our Hands and Seals, &c.

*A. B. C. D. &c.*

*Note, When the Overseers Books are passed, 'tis usual to signifie it, writ in their Books, at the Foot of the Account.*

*And*

*And if Money be due to the Old Overseers, you  
write thus, viz.*

Due to be paid from the New to the Old  
Overseers, 20 : 08 : 00. &c.

10 Oct. }  
1709. }

Seen and allowed by us,  
A. B. C. D.

*And if Money be due to the New Overseers, you  
may say,*

Remaining in the Old Overseers Hands, to  
be paid to the New Ones, 10 : 13 : 04.

10 Oct. }  
1709. }

Seen and allowed by us,  
A. B. C. D.

*A Warrant to make Overseers of the Poor,  
impowering them and the Church-wardens,  
to collect the Poor's Tax, and upon Non-  
payment to distrain.*

S. ff. **W** Hereas by Vertue of an Act of Parlia-  
ment, Entituled, *An Act for the Re-  
lief of the Poor*, in the 43d Year of the Reign of  
the late Queen Elizabeth; We whose Names are  
hereunto subscribed, Her Majesty's Justices of the  
Peace in the said County of S. and one of us of  
the *Quorum*, dwelling in or near the Parish of N.  
in the said County of S. have nominated and ap-  
pointed A. B. and C. D. (together with R. B.  
Church-warden for the Time being) according  
to the said Act of Parliament, to be Overseers  
for the Poor of the said Parish; and receiving of

the several Sums of Money taxed and assessed by them on the several Persons on the 20th Day of *June* instant. *These are therefore*, according to the said Act of Parliament, to authorize you the said Church-warden and Overseers of the Poor, or any of you, to collect and receive all such Sums of Money as aforesaid, and the same respectively to levy of all such Persons as shall refuse to pay the aforesaid Assessment, by Way of Distress and Sale of their Goods for so much, rendring the Overplus, if any be, to the Party or Parties distrained; and for Default of Distress, We require all Constables and other Officers to bring before us, or some other Her Majesty's Justices of the Peace of this County, the Bodies of all such Persons where no Distress can be had, that farther Course may be taken with them according to Law. Dated, &c.

*J. T. R. G.*

*The Title for an Assessment for the Poor.*

N. in **A**N Assessment made on the Inhabitants  
*Com S.* of the Parish aforesaid, for and to-  
 wards the Relief of the Poor of the said Parish  
 for the present Year, (or Year ensuing) from the  
 Feast of the Annunciation of the Blessed Virgin  
*Mary, Anno Dom. 1709.*

*A. B.* Church-warden.

*C. D.* }  
*E. F.* } Overseers.

*A*

*A Confirmation by the Inhabitants.*

N. in **W**E whose Names are hereunto subscribed, being the Ancient Inhabitants of the Liberty aforesaid, have seen this Book, and perused the same, and the same is by us rated upon the Inhabitants aforesaid, according to the best of our Judgments. Witness our Hands the 22d Day of *June, Annoque Dom. 1709.*

*A. B. G. H.  
C. D. F. K.  
E. F. L. M. &c.*

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*A Warrant to levy the Arrears (due to the Parish) from the former Overseers Account by Distress.*

*To the Church-wardens, and other the Overseers of the Poor of the Parish of A. in the said County, and to every of them.*

S. ff. **F**Orasmuch as (upon your Complaint) it appeareth unto us, That *A. B.* and *C. D.* Church-wardens of the Parish aforesaid, and *E. F.* and *G. H.* Overseers of the Poor of the said Parish, in the Year of our Lord One Thousand Seven Hundred and Eight, upon their Account by them made and yielded, of and for the Moneys by them received and disbursed for and in Execution of their said Office, (according to the



Form of the Statute in that Case made and provided) were in arrear and behind to the said Parish Ten Pounds, and have not yet paid the same over unto you : *These are therefore* ( in Her Majesty's Name) to command you, that you, some or one of you, do levy the said Ten Pounds by Distress or Sale of the Good of the said *A. B. C. D. E. F. and G. H.* (rendring to them the Overplus.) And in Default of such Distress, that then you do forthwith certifie the same unto us, to the end that we may farther do therein as to Justice doth appertain. Hereof fail not. *Given* under our Hands and Seals, &c.

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*A Warrant to levy Three Pounds on an Overseer of the Poor for not keeping of Monthly Meetings.*

*To the Church-wardens and Overseers, &c.*

S. ff. **F**Orasmuch as it hath been duly proved before us, That *A. B.* (one of the Overseers of the Poor of the Parish aforesaid, for the Year of our Lord One Thousand Seven Hundred and Eight) did for the Space of, &c. within the said Year, absent himself from such Monthly Meetings as (by the Duty of his aforesaid Office) he was (by the Statute in that behalf made) enjoined (contrary to the Statute aforesaid), whereby he hath forfeited Three Pounds for his Absence aforesaid : *These are therefore* (in Her Majesty's Name) to command you, that you, some or one of you, do levy the aforesaid Three Pounds by Distress and Sale of the Goods and  
 Chat.

Chattels of the said *A. B.* and the same to employ and dispose of to the Use of the Poor of the said Parish, and such other Uses as by the said Statute is appointed. And in case of Default of such Distress, you do certify the same to us, to the end that there may be such farther Proceedings touching the Premises as by Law is required. Given under our Hands and Seals at, &c.

Note, They are to meet Monthly on Sunday Evening, on Forfeiture of 20 s. for each Default, without a just Excuse be allowed.

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*A Mittimus where there is not Sufficient to distrain.*

*To the Keeper of Her Majesty's Gaol, &c.*

S. ff. **F**Orasmuch as it appeareth unto us, That *A. B.* of, &c. was assessed and rated at the Sum of, &c. for and towards the necessary Relief of the Poor of the said Parish, (according to the Form of the Statute in that Case made and provided,) and that for his Refusal of Payment of the same, a Warrant was (according to the Form of the said Statute) directed to the Church-wardens, and other the Overseers of the Poor of the Parish aforesaid, under the Hands and Seals of *R. D. J. N. &c.* Her Majesty's Justices of the Peace of the County aforesaid; and for that it now appeareth unto us, that the said *A. B.* hath no Goods or Chattels by Distress and Sale whereof the said Moneys can be levied,  
nor

nor will he yet pay the Moneys aforesaid. We therefore do send you herewithal the Body of the said *A. B.* commanding you to receive him into the said Gaol, there to remain (without Bail or Mainprize) until he shall pay the Moneys aforesaid. Hereof fail not at your Perils. Given under our Hands and Seals at, &c.

*A Warrant to the Overseers of the Poor to pay Arrears, and continue Weekly Relief to poor Persons.*

*To the Church-wardens and Overseers of the Poor for the Parish of A. and to every of them.*

S. ff. **W**Hereas Complaint hath been made unto me by *A. B.* of your said Town, That you *T. L.* and *R. S.* the now Overseers for the Poor of your said Parish, formerly paid the said *A. B.* the Sum of 1 s. 6 d. per Week, for and towards the Maintenance of herself and Children, and that you do now suspend the Payment thereof, whereby the said *A. B.* is utterly disabled to provide for herself and Children. These are therefore (in Her Majesty's Name) to charge and command you the said Overseers, that presently, upon Sight hereof, you, or some of you, pay unto the said *A. B.* all such Arrears as are accru'd since your forbearing the Payment of it, and that you continue to her the former Allowance of 1 s. 6 d. for the future, or forthwith to shew Cause why you refuse to make the same. And hereof, &c.

*A Condition for a Church-warden to give  
an Account of the Parish Stock, &c. in  
his Custody.*

**T**HE Condition of this Obligation is such;  
That whereas the above-mention'd *A. B.* is  
lately elected and chosen Church-warden of the  
Parish-Church of *C.* by reason whereof he hath  
receiv'd, and is to receive, divers Goods, Things,  
and Church-Ornaments, belonging to the Parish-  
Church aforesaid; and also hath receiv'd, and is  
to receive, several Sums of Money due and ap-  
pertaining to the Parishioners and Parish Church  
aforesaid: If therefore the said *A. B.* his Execu-  
tors, Administrators, or Assigns, on or before the  
9th Day of *June*, which shall be in the Year of  
our Lord 1709, or within One and twenty Days  
next ensuing the Death of the said *A. B.* or his  
Removal to dwell out of the said Parish, in case  
he shall die, or so remove before the said 9th Day  
of *June*, &c. at which of the said prelimited  
Times shall first and next happen, do and shall  
not only make, and deliver up, unto such Audi-  
tors as shall be then chosen and appointed for  
that Purpose, to and for the Use of the said Pa-  
rish and Parishioners, a full, true, plain, and  
perfect Account and Reckoning in Writing of  
all such Stock, Moneys, Goods, Plate, Church-  
Ornaments, and other Things of and belonging  
to the said Parish, which are now deliver'd, or  
which shall hereafter come to his or their Hands,  
or are or shall be by him or them receiv'd, but  
also shall make true Payment and Delivery to  
the

the said Auditors, for the Use of the said Parish; of all such of the said Stock, Moneys, Goods, Plate, or whatsoever else as upon the Foot of the said Accompt shall appear to have come and been receiv'd, and to be resting in the Hands and Disposal of him the said *A. B.* his Executors or Administrators, and not by him or them necessarily disburs'd or laid out for the Use and Occasion of the said Parish and Parishioners, then this above-written Obligation to be void, &c.

**A Bond and Condition to the Churchwardens and Overseers of the Poor to save a Town harmless upon one inhabiting there.**

**N**overint universi per presentes nos *R. F. de R.* in *Com. S. Agricol.* & *N. R. de R. predict.* Yeoman, teneri & firmiter obligari *L. O. de W. in Com. S. prad. Agricol.* & *T. O. de W. predict.* Yeoman, in sexagint. Libris bonæ & legalis Monetae *Mag. Brit.* solvend. eisdem *L. O. & T. O.* seu eorum alteri vel eorum certis Attornat. Executoribus, Administratoribus vel Assign. suis, ad quam quidem solutionem bene & fidelit. faciend. Obligamus nos & utrumque nostr. Heredes, Executores & Administratores nostros & utriusque nostr. firmiter per present. Sigil. nostr. sigillat. Dat. quinto Die Maii, Anno Regni Dominae nostr. Annæ, Dei Gratia Magnæ Britannia, Franciæ & Hiberniæ, Regina, Fidei Defensor &c. Octavo. Annoque Domini 1709.

**T**HE Condition of this Obligation is such, That whereas one S. T. Labourer, is now lately come to inhabit and dwell within the said Parish of W. and likely to be chargeable to the same: If therefore the said R. F. and N. R. or either of them, their, or either of their, Heirs, Executors, Administrators, or Assigns, or every or any of them, do and shall from Time to Time, and at all Times hereafter, fully and clearly acquit, discharge, save harmless and indemnifie, as well the within-named L. O. and T. O. Church-wardens of the Parish-Church of W. aforesaid, and the now Overseers for the Poor of the said Parish, and their Successors, as also all the Inhabitants and Parishioners of the said Parish, which now are, or any Time hereafter shall be, there resident, and every of them, of and from all and all Manner of Costs, Charges, Payments, Taxes and Expences whatever, which shall or may at any Time hereafter in any Manner of wise arise, happen, come, grow due, or be impos'd upon them, or any of them, for or by Reason or Means of the said S. T. his Wife or Children, or any of them, their or any of their, &c. residing, living, or inhabiting, in the said Parish of W. and of and from all Troubles, Charges and Demands whatsoever concerning the same, that then this Obligation to be void, and of none Effect, or else to remain in full Force and Vertue.

*Sealed and deliver'd in  
the Presence of, &c.*



*A Warrant to warn one to depart out of a Parish, he not having given Notice within Forty Days of the Place of his Habitation, &c. or to give sufficient Security to indemnifie the Parish; and upon Refusal, to be apprehended.*

*To the Constables, &c.*

M. ff. **W** *Hereas* Complaint hath been made unto us by the Church-wardens [or, Overseers of the Poor] of the Parish of St. *M.* in the County aforesaid, That *A. B.* in *May* last being legally settled as a Native, [Householder, Sojourner, Apprentice or Servant, as the Case is,] in the Parish of *H.* in the said County, is now come into the said Parish of St. *M.* endeavouring to settle himself as an Inhabitant thereof, and doth not rent the Value of 10 *l. per Annum* there, nor hath within Forty Days last past given or deliver'd either to the Church-wardens or Overseers of the Poor of the said Parish any Notice in Writing of the House of his Abode, and the Number of his Family, but is likely to become chargeable to the said Parish, contrary to the Forms of the Statutes in that Case made and provided: *These are therefore* (in Her Majesty's Name) to command you, that you, some or one of you, do warn the said *A. B.* forthwith to depart out of and from the said Parish of St. *M.* to the Place of his last Abode and Settlement, or otherwise to give sufficient Security, to be allowed by us,

not

not to be chargeable to the said Parish. And if he shall refuse or neglect so to do, that then you forthwith apprehend and bring the said *A. B.* before us, or some other of her Majesty's Justices of the Peace for this County, to shew good Cause to the contrary, or to be proceeded against according to Law. Hereof fail not at your Perils. Given under our Hands and Seals, &c.

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*A Warrant (upon not obeying the foregoing Warrant) to remove one to the Place of his last Settlement, and to require the Church-wardens, &c. there to provide for him.*

*To the Church-wardens and Overseers of the Poor of the Parish of St. M. in the County of Midd. and to the Church-wardens and Overseers of the Poor of the Parish of H. in the County aforesaid, and to all and every of them.*

M. ff. **W** Hereas Complaint hath been made unto us by the Church-wardens [or, Overseers of the Poor] of the said Parish of St. M. That *A. B.* in May last being legally settled as a Native, [Householder, Sojourner, Apprentice or Servant, as the Case is,] in the Parish of H. in the County aforesaid, is now come into the said Parish of St. M. endeavouring to settle himself as an Inhabitant thereof, and doth not rent the Value of 10 l. per Annum there, nor hath within Forty Days last past given or deliver'd either to the Church-wardens or Overseers of the Poor of

of the said Parish, any Notice in Writing of the House of his Abode, and the Number of his Family, but is likely to become chargeable to the said Parish, contrary to the Form of the Statutes in that Case made and provided. *And* being required, by a Warrant under the Hands and Seals of Two of Her Majesty's Justices of the Peace for the said County, to depart out of and from the said Parish of St. *M.* or otherwise to give sufficient Security not to become chargeable to the said Parish, or shew good Cause to the contrary, hath refused or neglected so to do. *These are therefore* (in Her Majesty's Name) to charge and command you, that you, some or one of you, do forthwith remove and convey the said *A. B.* from the said Parish of St. *M.* unto the said Parish of *H.* the same being (as we are credibly inform'd) the Place of his last Legal Settlement, and to deliver him to the Church-wardens and Overseers of the Poor there, or to some or one of them, (together with this Precept, or a true Copy thereof) who are hereby requir'd to receive and provide for him as a Settled Inhabitant there, until they shall otherwise be discharged thereof according to Law. Hereof fail not at your Perils. *Given* under our Hands and Seals the, &c.

---

*A Warrant to apprehend one for returning to the Parish from whence he was removed.*

M. ff. **W** Hereas *A. B.* in *May* last being legally settled as a Native, [*Householder, Sojourner, Apprentice or Servant, as the Case is,*] in the

the Parish of *H.* in the County aforesaid, came into the Parish of *St. M.* to settle in a Tenement under the Yearly Value of 10 *l.* not having within Forty Days last past given or deliver'd, either to the Church-wardens or Overseers of the Poor of the said Parish of *St. M.* any Notice in Writing of the House of his Abode, and the Number of his Family, and being likely to be chargeable to the Parish, was, upon Complaint thereof made by the Church-wardens and Overseers of the Poor of the said Parish (according to the Form of the Statute in that Case made and provided), by Warrant to the said Church-wardens and Overseers of the Poor directed, by them removed and convey'd to the said Parish of *H.* there to remain (according to the said Statute); since which the said *A. B.* did return of his own Accord to the said Parish of *St. M.* (from whence he was so removed :) *These are therefore* (in Her Majesty's Name) to command you, that you, some or one of you, do cause the said *A. B.* to come before us, or at the House of, &c. in the said County, the 6th Day of *June* now next ensuing, at Nine of the Clock in the Forenoon of the same Day, to shew Cause why he return'd to the said Parish of *St. M.* and further to do and receive as to Justice doth appertain: Hereof fail not at your Perils. Given under our Hands and Seals the, &c.

*A Min-*

*A Mittimus against one that returneth into  
a Parish after he was removed.*

*To the Constable, &c. and to the Keeper of the House  
of Correction, &c.*

S. ff. **W**Hereas upon Complaint (according to the Form of the Statute in that Be- half lately made), That *A. B.* an Inhabitant, [*Native, Householder, Sojourner, Apprentice, or Ser- vant,*] last legally settled in *R.* came into the Pa- rish of *N.* in the County aforesaid, to settle in a Tenement there under the Yearly Value of 10 l. not having given Notice within Forty Days of, &c. and thereupon the Church-wardens and Overseers of the Poor of the said Parish did (ac- cording to the Statute aforesaid) convey the said *A. B.* to *R.* aforesaid, there to remain an Inhabi- tant as formerly he was; after which said Con- veying, the said *A. B.* did return of his own Accord to the aforesaid Parish of *N.* from whence he was remov'd : *These are therefore* (in Her Ma- jesty's Name) to require you the said Constable and Borsholders, and every of you, that you, some or one of you, do take the said *A. B.* and him convey to the aforesaid House of Correction, and there deliver him to the aforesaid Keeper of the same (together with this Precept); requiring also you the said Keeper to receive him into the said House, and there punish him as a Vagabond. Hereof fail not at your Perils. Given under my Hand and Seal the, &c.

*A War-*

*A Warrant to send a Wife and Children to her Husband in the Parish from whence they came.*

*To the Church-wardens and Overseers of the Poor of the Parish of N. &c.*

S. ff. **F**Orasmuch as Complaint hath been by you made unto us, That *K.* the Wife of *R. B.* (an Inhabitant in the Parish of *G.* in the County aforesaid) is lately come into your said Parish of *N.* and hath brought with her thither Two Male Children (of the said *R.* and *K.*) of the Age of, &c. (or thereabouts;) and that both the said *K.* and Children are likely to be chargeable to your said Parish, and you have thereupon crav'd from us such Relief (touching the Premises) as by Law is appointed: *These are therefore* (in Her Majesty's Name) to authorize and require you, that you, some or one of you, do convey the said *K.* and Children to the said Parish of *G.* and there to deliver them to the said *R.* (in case you can there find him,) to be with him settled according to Law: And in case that you cannot there find him, then to deliver the said *K.* and Children to the Overseers of the Poor of the said Parish of *G.* to be dispos'd of according to Law. *Given under our Hands and Seals, &c.*

*A Mit-*



*A Mittimus to the House of Correction, of one that refuseth to be remov'd after his Work is finish'd.*

*To the Constables and Borsholders, &c. and to the Keeper of the House of Correction, &c.*

S. fl. **W**Hereas upon Complaint, (according to the Form of the Statute in that Behalf lately made) That *A. B.* an Inhabitant in *R.* came into the Parish of *O.* in the said County to work, and was not return'd upon his finishing thereof, and thereupon the Church-wardens and Overseers of the Poor of the said Parish were (according to the Statute aforesaid) requir'd and authoriz'd to convey the said *A. B.* to *R.* aforesaid, there to remain an Inhabitant as formerly he was; nevertheless the said *A. B.* (tho' lawfully requir'd) refus'd to go thither: *These are therefore* (in Her Majesty's Name) to require you the said Constables and Borsholders, and every of you, that you, some or one of you, do take the said *A. B.* and him convey to the aforesaid House of Correction, and there to deliver him to the aforesaid Keeper of the same (together with this Precept): Requiring also you the said Keeper to receive him into the said House, and there punish him as a Vagabond. *Hereof fail you not at your Peril. Given, &c.*

*A War-*

*A Warrant and Mittimus for one who runs away, and leaves his Family upon the Parish.*

*To the Constable, &c. and to the Keeper of Her Majesty's Gaol for the said County at, &c.*

S. H. **F**Orasmuch as it hath been duly prov'd before us, That *A. B.* of the Parish of *N.* being able to labour, and thereby to relieve himself and his Family, did nevertheless run away out of the said Parish, and leave his Family upon the Parish: *These are therefore* (in Her Majesty's Name) to command you the said Constable and Bortholders, and every of you, that you, some or one of you, do take the said *A. B.* and him safely convey to the Gaol aforesaid, and there deliver him to the said Keeper of the same (together with this Precept): Commanding also you the said Keeper to receive him into the Gaol aforesaid, and him there safely keep until he shall be from thence deliver'd by due Order of Law. *Hereof fail not at your Perils. Given under our Hands and Seals at, &c.*

*By Two Justices of that Division; and it is also fit there be Two Witnesses upon Oath.*

*Note, Such a Person is adjudg'd an incorrigible Rogue.*

*A Mit-*

*A Mittimus on the like Warrant.**To the Keeper of the House of Correction, &c.*

**W**E fend you herewithal the *Body* of *A. B.* of, &c. for that he did run away, and left his Wife and Two small Children in the said Parish, which are become a publick Charge to the said Parish of, &c. straightly charging and commanding you the said Keeper to receive the said *A. B.* into the said House of Correction, and to be dealt with as an incorrigible Rogue, and him there safely keep until he shall be thence deliver'd by Order of Law. *Hereof, &c.*

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*Poor Prisoners, and Soldiers.**A Warrant to allow a poor Prisoner Relief.*

*To A. B. Gent. Treasurer for Relief of the Prisoners in her Majesty's Gaol for the said County, at T. in the County aforesaid.*

S. ff. **W** *Hereas* *R. L.* (now Prisoner in the said Gaol) is in very great Necessity for Want of present Relief for his Subsistence there: *These are therefore* (so far forth as in us lieth) to appoint and authorize you the said Treasurer to allow

low unto the said R. L. competent Relief (during his Necessity) in the said Gaol. *Given* under our Hands and Seals the, &c. Day of, &c. Anno Domini 1709.

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*A Certificate for a Trained Soldier.*

**T**Hese are to certifie you, That *A. B.* the Bearer hereof, is a Trained Soldier of the Borough of *S.* for their Majesties Service, appointed under my Command, and therefore not otherwise to be charg'd or molested, as you will answer the Contrary at your Perils. *Given* under my Hand at, &c.

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*A Certificate for an indigent Officer.*

**T**Hese are to certifie whom it may concern, That Lieutenant Colonel *R. W.* is certify'd by the Commissioners a Man fitly qualify'd to receive his Dividend of the 60000 *l.* and the Office-money given to the loyal indigent Officers, and receiv'd a Warrant from the Right Honourable the Commissioners appointed by Act of Parliament, to the Treasurer, to pay him the said Lieutenant Colonel *R. M.* his Share and Proportion of the 60000 *l.* and Office-money, being *Thirty Pounds*, which is enter'd into the Book of Warrants, and not paid, Money in the Treasury falling short by reason of great Losses by insolvent Collectors, and others Money that came but lately into the Treasury, out of which he is to be paid. This, at the Request of the said Lieutenant Colonel *R. W.* I do certifie, this, &c. Day of, &c.

*To order an Allowance to a poor Soldier out  
of the Stock for maimed Soldiers.*

*To the Treasurer of the said County for maimed  
Soldiers.*

S. ff. **F**Orasmuch as A. B. Officer, [Soldier or Mariner, maimed, indigent, aged, or disabled in Body, for Work in the Service of their late Majesties, or Her Majesty that now is, or under the late Wars, &c. as that he is destitute of any competent Subsistence or Livelihood.] hath according to the Form of the Statute (in that Behalf lately made) made appear unto us, that he hath continu'd faithful to his Trust, and not deserted the same, by taking Arms against their Majesties (King William and Queen Mary, or Her Majesty that now is, or otherwise), and hath repair'd to W. in the said County (being the Place where he was last settled before he took Arms): We do therefore (according to the said Statute) assign 40 s. for his Relief until the next Quarter-Sessions to be holden for the County of S. which you are hereby requir'd to pay unto him. Given under our Hands and Seals, &c.

*The like for Allowance to a Wife or Orphan  
of a maimed Soldier.*

*To the Treasurer of the said County for maimed Soldiers.*

S. ff. **F**Orasmuch as A. B. (Widow, or Orphan) of C. D. [Officer, Soldier or Mariner, maimed, indigent, aged, or disabled in Body, for Work

Work in the Service of their Majesties,] hath (according to the Form of the Statute in that Behalf lately made) made appear unto us, That C. D. late of E. continu'd faithful to his Trust, and not deserted the same by taking up Arms against their late Majesties King *William* and Queen *Mary*, or Her Majesty that now is, or otherwise. We do therefore (according to the said Statute) adjudge, that over and besides such Relief as she (or they) shall gain by her (or their) Work or Labour, and shall be allow'd by the Charity and Benevolence of the Parish of A. where she (or they) is now settled, you do pay unto her the said A. B. the Sum of, &c. Given under our Hands and Seals this, &c.

31 Car. 2. cap. 1. No Officer Military or Civil, or other Person, shall quarter or billet any Soldier upon any Inhabitant of this Realm without his Consent, and every such Inhabitant may refuse to quarter any Soldier notwithstanding any Order whatsoever. Sed vide *Washington's Abridgment*, Tit. Soldiers.

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### Rogues, Vagrants, &c.

[Vide antea 269.]

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#### A Warrant for committing a dangerous Rogue.

To the Constable, &c. and to the Keeper of the House of Correction for the County aforesaid.

S. ff. **F**Orasmuch as A. B. [Rogue, Vagabond, wandering, idle or disorderly Person,] was found and apprehended at O. in the Hundred and



County aforesaid, in a general and privy Search by our Command made (according to the Form of the Statute in that Case made and provided), and brought before us this present Day at our Assembly at *T.* in the County aforesaid: *We do therefore* (in Her Majesty's Name) command you the Constable and Borsholders, that you, some or one of you, do (at the Charge of the said Hundred) convey the said *A. B.* to the aforesaid House of Correction, and there deliver him to the said Keeper of the same, (together with this Precept.) Commanding also you the said Keeper to receive him into the said House, and there set him to work and labour, or otherwise to deal with him according to Law, until he shall be from thence lawfully deliver'd. Hereof fail not at your Perils. *Given* under our Hands and Seals at *O.* aforesaid, the, &c.

*Vide Stat. 11 & 12 W. 3. cap. 18. & 1 Ann. Stat. 2. cap. 13. & 5 Ann. cap. 32.*

*A Mittimus* of a dangerous Rogue: See after, Page 319.

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*A Testimonial for conveying a Rogue who hath been punish'd.*

S. ff. *A. B.* a sturdy vagrant Beggar, (of middle Personage, lank hair'd, &c.) aged about Thirty Years, was this Ninth Day of September, 1709, openly whip'd at *T.* in the said County (according to Law) for a wandering Rogue, and is assign'd to pass forthwith from Parish to Parish by

by the Officers thereof, the next straight Way to B. in the County of N. where (as he confesseth) he was born (or dwelled last by one whole Year, &c. if the Case be such,) and he is limited to be at B. aforesaid within Ten Days now next ensuing, at his Peril. Given at T. under the Hand and Seal of J. R. Esquire, one of Her Majesty's Justices of the Peace of the said County of S. and D. N. the Constable of T. aforesaid.

Note, By Lamb. Inst. Pag. 206. One Justice is said to be sufficient. See after, concerning Vagrants.

A Testimonial for one that hath suffer'd Shipwreck: Vide antea, Tit. Licence.

### *A Warrant for a General Search for Rogues.*

*To the High-Constables, &c.*

S. ff. **T**Hese are in Her Majesty's Name to charge and command you, That you, together with the Petty-Constables of the several Towns, Parishes and Hamlets, within your Hundred, taking sufficient Assistance out of the said Towns, do make a General Privy-Search within every of the said several Towns, Parishes and Hamlets, upon the 5th Day of, &c. at Night next coming, for the finding out and apprehending of all Rogues, Vagabonds, and wandering and idle Persons, in or about your said several Towns, Parishes or Hamlets, and that such as shall be found and apprehended, you do cause them to be brought before us the next Day unto T. by Nine of the Clock, there to be by us dealt withal according to the late Statute in that Behalf provided;

vided; at which Time and Place we farther require you, together with the said Petty-Constables, to appear before us, and there to give an Account or Reckoning upon Oath in Writing, and under the Hands of the Minister of every several Parish within your Hundred, what Rogues, Vagabonds, wandering and disorder'd Persons, have been there apprehended, as well in the same Search, as also since the last Assembly and Meeting that was made for that Purpose, being upon or about the 9th Day of, &c. last past. And hereof fail you not. *Given, &c.*

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*A Warrant for apprehending Beggars, and other idle Persons.*

*To the Constable and Headboroughs, and other Her Majesty's Officers of any the Parishes in the said County, and to all others whom this doth or may concern.*

M. fl. **W** Hereas the Suburbs of London, and Places adjacent, are now infested with many Rogues, Vagabonds, and sturdy Beggars, and other idle Persons, that can give no good Account of their Life and Conversation, to the Danger of the Inhabitants, and contrary to the Laws and Statutes of this Realm. *These are therefore* (in Her Majesty's Name) straightly to charge and command you, and every of you, That at all convenient Times hereafter, taking with you a convenient Aid and Assistance, you make diligent Search in the several Places aforesaid, and in all other suspected Places within any the Parishes

rishes in the said County, for all such Rogues Vagabonds, and sturdy Beggars, and other suspected and idle Persons, and them to apprehend and bring before us, or one of us, to be examin'd and dealt with according to Law. Hereof fail, not, &c. Given under our Hands, &c.

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*A Mittimus to the House of Correction of a dangerous Rogue.*

*To the Master or Governour of the House of Correction at B. in the said County, or to his Deputy there.*

M. ff. **F**Orasmuch as *A. B.* a sturdy, vagrant Beggar, was this Day brought before us, and charg'd as well with begging, and idle wandering abroad, as also with other lewd and disorderly Behaviour, so as he appeareth unto us to be dangerous to the inferior Sort of People, and such a one as will not be reform'd of his Roguish Life, contrary to the Laws in that Behalf provided. *These are therefore* to will and require you to receive the said *A. B.* and him safely keep in your said House, until the next Quarter-Sessions to be holden in the said County; and during all that Time that he shall so continue with you, that you hold him to work and labour, and to punish him by putting Fetters or Givies upon him, and by moderate whipping him, as in good Discretion you shall find Cause, yielding him for his Maintenance only so much as he shall deserve or earn by his Labour or Work, and that at the next Quarter-Sessions you have the said *A. B.*

there, together with this our Warrant: And here-  
of see that you fail not. *Given under our  
Hands, &c.*

---

*An Order of Sessions for putting the Laws  
in Execution against Pedlars and Petty-  
Chapmen.*

*At the General Sessions of the Peace held at H. for the  
County of M. the 20th Day of, &c.*

M. ff. **W** Hereas this Court is inform'd, That  
great Numbers of Pedlars and Petty-  
Chapmen do wander abroad up and down this  
County, contrary to Law: We do hereby re-  
commend it to their respective Justices of the  
Peace of this County, to take effectual Care to  
put the Laws in Execution against the said Ped-  
lars and Petty-Chapmen. And all the Constables  
and Tything-men in their respective Precincts are  
requir'd, to often as they shall find any of the  
said Offenders, immediately to whip them in  
such Manner as the Statutes of the 39th of *Eliz.*  
*cap. 4.* and the 7th of *King James, cap. 4.* direct;  
in Default whereof, the Penalties of the said Sta-  
tutes are hereby approv'd to be levy'd upon them.  
*Vide 8 & 9 W. 3. & 9 & 10 W. 3.* Concerning  
the licensing of Hawkers and Pedlars, and of their  
becoming Vagrants by Non-payment, continu'd  
by 5 *Ann. cap. 19.* & 6 *Ann. cap. 5.*

*A Testimonial or Pass of a Vagrant to the  
Place of his Birth.*

S. ff. *A.* B. a Vagrant, of middle Stature, aged about Thirty Years, was this present Day taken (begging, vagrant, wandering or mis-ordering himself, as the Case is,) at R. in the County aforesaid, and then and there by my Ap-  
pointment punish'd (according to the Form of the Statute in that Case provided); and he is to be convey'd from Parish to Parish by the Officers of every of the same the next straight Way to the Parish of T. where (as he confesseth) he was born, there to put himself to labour, as he ought to do; and he is limited to pass thither within 10 Days now next ensuing, at his Peril. Given under my Hand and Seal at, &c.

*This must be sign'd by the Justice, Minister and Constable, &c. or Two of them, where he was whip'd.*

*He is to be strip'd naked from the Middle upwards, and be openly whip'd until his Body be bloody.*

*Constables have Power to commit Beggars to the Stocks who offend. 22 H. 8. c. 12. 14 Eliz. c. 5. Rast. 29.*

*The like where the Place of his Birth is not  
known.*

S. ff. *A.* B. a Vagrant, of middle Stature, aged about Thirty Years, was this present Day taken begging at B. in the County aforesaid,  
P-5 and



and then and there by my Appointment punish'd (according to the Form of the Statute in that Case provided); and for that the Parish where he was born is not known (tho' it be demanded of him), and for that also he did last dwell before the same Punishment by the Space of One whole Year in the Parish of T. &c. (as he confesseth): He is therefore to be convey'd from Parish to Parish by the Officers of every of the same the next straight Way to the said Parish of T. there to put himself to labour (as he ought to do); and he is limited to pass thither within Ten Days now next ensuing, at his Peril. *Given* under my Hand and Seal at, &c.

---

*The like where neither the Place of his Birth, nor last Abode, is known.*

S. ff. *A.* B. a Vagrant of middle Stature, aged about Thirty Years, was this present Day taken begging at B. in the said County, and then and there by my Appointment punish'd (according to the Form of the Statute in that Case provided); and for that neither the Parish where he was born, nor the Parish where he did last dwell before the said Punishment, by the Space of one whole Year, is known (tho' both were by me demanded of him): He is therefore to be convey'd from Parish to Parish by the Officers of every of the same the next straight Way to the Parish of R. in the County of, &c. (thro' which he last pass'd without Punishment, as he saith) and he is to be from thence convey'd by the Officers of the said Parish (according to the Form of the Statute in that Case made and provided), and

is limited to pass thither within Ten Days now next ensuing, at his Peril. Given under my Hand and Seal at, &c.

---

*The like where the Vagrant is apprehended in a General Privy Search.*

S. ff. *A.* B. a Vagabond of middle Stature, aged about Thirty Years, was found and apprehended at B. in the said County, in a General Privy Search by our Command made (according to the Form of the Statute in that Case made and provided), and brought before us this present Day at our Assembly at N. and by our Appointment punish'd according to Law: And he is to be convey'd from Parish to Parish, &c. (as before, *mutatis mutandis.*)

Note, If such a Rogue, &c. by his Default, exceed the Time limited by any such Testimonial or Pass, he shall from Time to Time receive the like Punishment. And the Minister of such Parish shall register such Testimonial, upon the Penalty of 5s.

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*A Warrant to levy Five Shillings on the Minister for not keeping a Register-Book.*

*To the Constable and Borsholders of R. &c.*

S. ff. *F*Orasmuch as it being duly prov'd before us, That A. B. the Minister of your Parish of R. doth not keep a Register-Book there, according to the Statute in that Case provided, to  
record

Record the Correction and Pass of Rogues, by which he hath forfeited Five Shillings to the Use of the Poor. *These are therefore* (in Her Majesty's Name) to require you to levy the same Five Shillings of the Goods of the said *A. B.* by Distress and Sale thereof, and to pay the same so by you levy'd to the Overseers of the Poor of your Parish, to be employ'd to the Use of the Poor there. *Given under our Hands, &c.*

*A Warrant to levy Ten Shillings on the Constable for not apprehending Rogues, &c.*

*To the High Constable of, &c.*

S. ff. **F**ORasmuch as it hath been duly prov'd before us, That *A. B.* the Constable of *O.* hath been negligent in his Office in the apprehending and punishing of Rogues, [Vagabonds, or sturdy Beggars,] and that on the 20th Day of *May* last past at *O.* aforesaid, did willingly suffer an unknown wandering Rogue to pass thro' this Town, tho' he had timely Notice given to him thereof, so that he might have easily apprehended him; however he did not apprehend, correct and pass him, as by the Statute in that Case provided he ought to have done, whereby he hath forfeited to the Use of the Poor of the said Parish of *O.* Ten Shillings. *These are therefore* (in Her Majesty's Name) to will and require you to levy the same 10*s.* by Distress and Sale of the Goods of the said *A. B.* rendering to him the Overplus, if any such shall remain. *Given under, &c.*

*Note,*

*Note, By 11 & 12 W. 3. cap. 18. Forfeiture is 20 s. Three Fourths to the Poor, One to the Informer.*

*A Warrant to levy Twenty Shillings on the Constable for not punishing a Rogue, &c.*

*To the High Constable.*

S. ff. **F**Orasmuch as it hath been duly prov'd before us, That *A. B.* the Constable of *O.* hath been negligent in his Office in the correcting and conveying of Rogues, [Vagrants, or sturdy Beggars,] and that upon the 13th Day of *June* last past one *R. D.* a Vagabond, &c. was taken begging in *O.* aforesaid, and brought and offer'd to him the said *A. B.* to be punish'd, who did not correct and pass him, as by the Statute in that Case made he ought to have done, but willingly suffer'd him to escape unpunish'd, whereby he hath forfeited Twenty Shillings to the Use of the Poor of the said Parish of *O.* These are therefore (in Her Majesty's Name) to will and require you to levy the same by Distress and Sale of the Goods and Chattels of the said *A. B.* rendering to him the Overplus, if any such be. Given under our Hands and Seals, &c.

*A Warrant to levy Five Pounds for Disturbance of the Execution of the Statute.*

S. ff. **F**Orasmuch as it hath been duly prov'd before us, That *A. B.* of *O.* Labourer, did disturb and hinder the punishing and conveying of

of *T. N.* a Rogue, [Vagabond, or sturdy Beggar,] taken into Custody by *T. D.* of *O.* Constable, so that he did escape without the Punishment as by the Statute in that Case is provided, by which he the said *A. B.* hath forfeited Five Pounds to the Use of the Poor. *These are therefore* (in Her Majesty's Name) to will and require you to levy the same Five Pounds by Sale of the Goods and Chattels of the said *A. B.* rendering to him the Overplus, if any be. And that you require him the said *A. B.* to bring Sureties for his good Behaviour. *Given under, &c.*

---

*A Warrant to pay Two Shillings for apprehending a Vagrant.*

*To the Constable and Borsholders of, &c.*

S. fl. **W** Hereas *A. B.* did lately apprehend and bring unto me *G. D.* a Rogue, [Vagrant, or sturdy Beggar,] which did pass thro' your Parish of *L.* in the County aforesaid unapprehended: *These are therefore* (in Her Majesty's Name) to will and require you forthwith to pay to the aforesaid *A. B.* 2*s.* (for each, if more than one) for his said Apprehension of the aforesaid *C. D.* (according to the Form of the Statute in that Case lately made.) Hereof fail not at your Peril. *Given under my Hand and Seal at, &c.*

But see the *Abridgment* for *Stat. 11 & 12 W. 3. cap. 18. & 1 Ann. Stat. 2. cap. 15. & Stat. 5 Ann. cap. 32.*

Upon

---

*Upon Non-payment of the same.*

*To the Constable and Borsholders of, &c.*

S. ff. **W** *Hereas N. R.* did lately apprehend and bring unto *R. H.* one of Her Majesty's Justices of the Peace of the said County, *G. D.* which did pass thro' the Parish of *L.* in the County aforesaid unapprehended, of which said Place of Apprehension *A. B.* was then Borsholder (or Constable), and thereupon the aforesaid Justice did (according to the Form of the Statute in that Behalf made) require the said *A. B.* to pay to the aforesaid *N. R.* Two Shillings for his said Apprehension of the aforesaid *G. D.* Nevertheless the said *A. B.* hath neglected to pay the same; *These are therefore* (in Her Majesty's Name) to require you, and every of you, that you, some or one of you, do levy by Distress and Sale of the Goods and Chattels of the said *A. B.* Ten Shillings, by him forfeited and lost for not causing the aforesaid *G. D.* to be punish'd and convey'd (according to the Form of the Statute in that Behalf made); and that out of the Moneys by you so levy'd you do pay to the said *N. R.* the said 2 s. and 1 s. 6 d. more which we think fit to allow unto him for Loss of his Time; and that you do employ and dispose of the Residue of the said 10 s. to the Relief of the Poor of the Parish aforesaid. *Hereof fail not at your Perils. Given under our Hands and Seals, &c.*

*See the later Statutes before-mention'd.*

*A Cer-*



*A Certificate of apprehending a Vagrant in the Confines of another County.*

To A. B. one of Her Majesty's Justices of the Peace for the County of L.

S. fl. **T**Hese are to certifie you, That O. B. a Rogue, [*Vagrant, or sturdy Beggar,*] having pass'd thro' the Parish of T. in the said County of L. unapprehended, was upon the 9th Day of June apprehended at R. in the said County of L. in the Confines of the County aforesaid, by J. M. Given under my Hand, &c.

A. B.

*A Warrant upon the Certificate to pay the Two Shillings thereupon.*

To the Constable, &c.

S. fl. **W**Hereas I have receiv'd a Certificate under the Hand of A. B. one of Her Majesty's Justices of the Peace for the County of L. That O. B. a Rogue, [*Vagrant, or sturdy Beggar,*] having pass'd thro' the Parish of T. in the said County of L. unapprehended, was upon the 9th Day of June apprehended at R. in the said County of L. in the Confines of the County aforesaid, by J. M. which said Parish of R. was then in your Hundred, (*Borough, &c.*) These are therefore (in Her Majesty's Name) to will and require you forthwith to pay to the aforesaid J. M. 2s. (for each,

each, if more than one) for his said Apprehension of the said O. B. (according to the Form of the Statute in that Case lately made.) Hereof fail not at your Perils. Given under my Hand, &c.

*Distress upon Non-payment of the same.*

*To the Constable and Borsholders of, &c.*

S. ff. **W** Hereas I lately received a Certificate under the Hand of A. B. one of Her Majesty's Justices of the Peace of the County of L. That O. B. having pass'd through the Parish of T. in the said County of L. unapprehended, was apprehended at R. in the said County of L. in the Confines of the County aforesaid, by J. M. of which said Parish A. B. of C. was then Constable (or Borsholder). And whereas I did (according to the Form of the Statute in that Behalf lately made) by Warrant, under my Hand and Seal, require the said A. B. to pay the aforesaid J. M. 2 s. for his said Apprehension of the aforesaid O. B. (according to the Statute aforesaid;) nevertheless the said A. B. hath neglected to pay the same: These are therefore (in Her Majesty's Name) to require you, and every of you, that you, some or one of you, do levy by Distress and Sale of the Goods and Chattels of the said A. B. 10 s. by him forfeited and lost, by not causing the aforesaid O. B. to be punish'd and convey'd, (according to the Form of the Statute in that Behalf made;) and that (out of the Moneys you have levy'd so) you do pay to the said J. M. the aforesaid 2 s. and, &c. more, which  
we

we think fit to allow him for his Expences and Loss of Time; and that you do employ and dispose of the Residue of the said 10 s. to the Relief of the Poor of the said Parish of T. Hereof fail not at your Perils. *Given* under my Hand and Seal the, &c.

---

*A Warrant for levying Three Shillings and Four Pence upon a Constable, for Neglect of his Duty in giving an Account of Rogues, Vagabonds, &c.*

*To the Chief Constables of N. and to the Under-Constables of M. and to their Deputies, Greeting.*

S. H. **F**Orasmuch as at our Assembly at T. the 7th Day of June last, for the adjusting the Accounts of the Under-Constable, according to a Statute made in the Reign of King James I. touching Rogues and Wanderers, A. B. of M. aforesaid was fined 3 s. 4 d. for being negligent in his Office, and refusing to make such Account as by the said Statute is appointed: These are therefore (in Her Majesty's Name) to will and require you, that some or one of you, do forthwith upon the Receipt hereof demand of the said A. B. the said Fine; and if he shall refuse or neglect to pay the same unto you within Three Days, that then you do immediately levy the said 3 s. 4 d. by Distress and Sale of his Goods and Chattels, rendering unto him the Overplus thereof, if any such shall remain. And lastly, That one of you the Chief Constables do pay the same unto the

now

now Treasurer of the Marshalsea, at or before the next Quarter-Sessions of the Peace to be holden at R. for these Parts, and this shall be your sufficient Warrant in that Behalf. Given under, &c.

*To these may be added, Warrants and Commitments, where Disorderly and Roguing Persons are taken up by the Watch.*

---

*A Warrant for Watch and Ward, and to apprehend idle Persons.*

*To the High-Constable of the Hundred of N. and the Constable, &c. within the said Hundred.*

S. ff. **F**Orasmuch as Information hath been given unto us, That very many suspicious idle Persons do wander about the Country without Controulment or Question: For the better Prevention thereof for the future, and of Robberies and other Misdemeanors often occasion'd thereby; *These are therefore* (in Her Majesty's Name) to charge and command you, and every of you, to look to your Offices herein, and to see that you keep and cause Watches to be duly kept in all the Parishes and Places within your said Hundred of N. by able and well-armed Men every Night, and Ward by Day from Sun to Sun, and command them that they do apprehend all such Rogues, Vagabonds, sturdy Beggars, and other wandering and idle suspicious Persons, as you shall apprehend by Day or Night, and conceive to be more than ordinarily dangerous,

rous, and bring them before us, or some other of Her Majesty's Justices of the said County, to be examined and dealt with according to Law. And all Persons whatsoever are hereby commanded to be aiding, assisting, and obedient, to you herein. Hereof fail not. *Given* under our Hands, &c.

*A Mittimus to the House of Correction of  
one apprehended by the Watch.*

*To the Keeper of the House of Correction of, &c.*

M. ff. **F**Orasmuch as *A. B.* was this present Day brought before me by *C. D.* Constable of the Parish of *St. G. in the Fields*, being by his Watch this last Night apprehended, and charged with wandering and roguing abroad, as also with other Lewd and Disorderly Behaviour and Course of Life, such as whereof he will not be reformed, contrary to the Laws in such Behalf provided. *These are therefore* (in Her Majesty's Name) to will and require you to receive and take into your Custody the said *A. B.* and him safely to keep, until he shall be thence deliver'd by due Order of Law; and in the mean Time to hold him the said *A. B.* to such Labour and Work, and give unto him such Punishment as by the Laws are requir'd, giving and yielding him such and so much Maintenance as he the said *A. B.* shall by his Labour and Work earn and deserve; and that you have the said *A. B.* at the next Quarter-Sessions to be holden

holden at *H.* together with this Warrant. Given under, &c.

Note, There are several other Warrants and Commitments of Lewd and Disorderly People, &c. taken up by the Watch in the Night-time, &c. which are not within the Intention of this Treatise.

## Houses for Poor People.

*A Petition to the Justices of Peace for erecting a Cottage on the Waste.*

*To the Right Worshipful the Justices of the Peace, at the General Quarter-Sessions of the Peace now holden at ... in the County of ... this ... Day of ... &c.*

*The humble Petition of T. D. of F. in the County aforesaid, Labourer :*

Humbly sheweth,

**T**HAT whereas your Petitioner being with his Wife and Children settled as an Inhabitant of and in the said Parish of *F.* and is at present destitute of an Habitation, and hath by Address made to the Right Honourable *P. Lord W. Lord* of the Manor aforesaid, obtain'd his Lordship's Favour and Consent, under his Hand and Seal, for your Petitioner to erect and set up a Cottage on the Waste adjoining to the Highway leading



leading to and within the said Parish of *F.* for an Habitation for himself and his said Family, if an Order of Sessions might be obtain'd for Confirmation thereof, as by the Papers hereunto annexed may appear.

May you therefore be pleased to grant unto your poor Petitioner the Order and Decree of this Court, whereby your said Petitioner may be enabled to set up a Cottage, for an Habitation for himself and poor Family, on some convenient Place on the said Waste to be assigned by his Lordship or his Steward.

*And your Petitioner shall ever pray, &c.*

*The Lord's Consent.*

**U**PON the Petition of *T. D.* and the Certificate of the Inhabitants of the Parish of *F.* I do hereby give my Consent, being Lord of the Manor of *G.* within the same Parish, That the said *T. D.* shall and may erect and set up a Cottage, for his Habitation, in some convenient Place on the Waste within the said Parish to be assigned him by my Steward, provided that an Order of Sessions be procured for that Purpose. For Confirmation hereof according to Law, Witness my Hand and Seal this . . . Day of . . . &c.

**F I N I S.**

T H E

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# APPENDIX

## OF THE

### Laws of the Poor.

**T**HE Statutes of 39 Eliz. c. 4. and 1 Jac. 1. c. 7. and also Part of Sect. 5. of 7 Jac. 1. c. 4. having been repeal'd by the late Statute of 12 Ann. And the former Laws touching Rogues, Vagabonds, &c. thereby altered in divers Particulars, it will be necessary to add that Statute to the former Treatise, together with some explanatory Notes or Observations thereupon.

That Statute is intituled, *An Act for* Stat. 12.  
*reducing the Laws relating to Rogues,* Annæ, c. 23.  
*Vagabonds, Sturdy Beggars and Vagrants,*  
*into One Act of Parliament; And for*  
*the more effectual Punishing such Rogues,*  
*Vagabonds, Sturdy Beggars and Vagrants,*  
*and sending them whither they ought to be*  
*sent.*

**W**Hereas many Parts of this King- Preamble.  
 dom are extremely oppressed by  
 the usual Method of Conveying Va- Vagrants.  
 gabonds



*gabonds* or *Beggars* from County to County, by having such Persons conveyed as Vagrants, who ought not so to be.

*Who shall  
be deemed  
Rogues and  
Vagabonds.*

I. Be it enacted, &c. That all Persons pretending themselves to be *Patent-gatherers*, or *Collectors* for Prisons, Goals, or Hospitals, and *wandering* abroad for that Purpose; All *Fencers*, *Bear-wards*, *Common Players* of *Interludes*, *Minstrels*, *Juglers*; All Persons pretending to be *Gipsies*, or *wandering* in the Habit or Form of *Counterfeit Egyptians*, or pretending to have Skill in *Physiognomy*, *Palmestry*, or like crafty Science, or pretending to tell *Fortunes*, or like phantastical Imaginations, or using any *subtile Craft*, or *unlawful Games* or *Plays*; All Persons able in Body, who run away, and leave their *Wives*, or *Children* to the Parish, and not having wherewith otherwise to maintain themselves, use *Loytring*, and refuse to Work for the usual and common Wages; And all other idle Persons *wandering* abroad and *Begging*, (except *Soldiers*, *Mariners*, or *Seafaring Men*, Licensed by some Testimonial or Writing under the Hand and Seal of some Justice of Peace, setting down the Time and Place of his or their Landing, and the Place to which they are to pass, and limiting the Time for such their Passage, while they continue in the direct Way to the Place to which they are to Pass, and during

*Exception.*

ring the Time so limited) shall be deemed Rogues and Vagabonds.

2. And be it enacted by the Authority aforesaid, That if from and after the First Day of *August*, 1714. any Person by this Act declared to be a Rogue or Vagabond, shall be found in any Parish or Place to be Wandring and Begging, or Misordering him or herself, as aforesaid, It shall and may be lawful for the Constable, or other Officer of such Parish or Place, or any other there dwelling or being, to apprehend the Person so deemed a Rogue or Vagabond, and to convey, or cause to be conveyed, him or her to some Justice of Peace for the same County, Division, Riding, City, Borough, or Town-Corporate, in or near the said Parish or Place where he or she shall be so apprehended; And in Case any Constable or other Officer of any Parish or Place, shall refuse or neglect to use his best Endeavour to apprehend any such Rogue or Vagabond, it shall be deemed a Neglect of Duty in such Constable or other Officer; And in Case any other Inhabitant of any such Parish or Place, being charged by any Justice of the Peace, or other lawful Authority so to do, shall refuse or neglect to use his best Endeavour to apprehend and deliver to the Constable of the same Parish or Place, or carry before some Justice of the Peace, where no Constable or other Officer shall be found, any such Rogue

*How Rogues, &c. may be apprehended*

*By the Constable, &c.*

*Or Inhabitants.*

10 s. For-  
feiture.

2 s. Re-  
ward.

20 s. Pe-  
nalty.

or Vagabond, who shall be *seen or known to resort to any House to beg*, or gather Alms, and shall be thereof found guilty by the Oath of One or more credible Witnesses, before One or more Justice or Justices of the Peace of the same County or Place, which Oath the said Justice or Justices are hereby authorized to Administer, he shall *forfeit* the Sum of 10 s. to be levied to the use of the Poor of the said Parish or Place, by Distress and Sale of the Offenders Goods, by Warrant from any such Justice or Justices of the Peace; And in case any Person shall apprehend any such *Rogue or Vagabond*, and cause him or her to be brought before any Justice of Peace, it shall and may be lawful for such Justice to reward any such Person, by ordering, under his Hand and Seal, any Constable or other Officer, where any such Rogue or Vagabond was found Begging, and passed unapprehended, to pay 2 s. to the Person so apprehending him or her; which Monies if the said Constable or other Officer refuse or delay to pay on Demand, it shall and may be lawful for such Justice of the Peace, by Warrant under his Hand and Seal, to levy the Sum of 20 s. by Distress and Sale of the Goods of such Constable or other Officer, and thereout to allow to the Person apprehending such Rogue or Vagabond the said 2 s. and such other Recompense for his Trouble

Trouble, loss of Time, and Expences, as the said Justice shall think fitting.

3. And be it further enacted by the Authority aforesaid, That the Justices of the Peace of every County, Division, Riding, City, Liberty, or Town-Corporate, or any two or more of them, some convenient Time before their Quarter-Sessions of the Peace, or oftner, if need be, shall meet in their respective Divisions, and by their Warrant command the Constables of every Hundred, Parish, Town and Hamlet, in their several Divisions, (who shall be assisted with sufficient Men of the same Places) to make a *general Privy Search* in One Night, through their several and respective Limits, for the finding and apprehending of *Rogues, Vagabonds, and Sturdy Beggars*, and such as they shall find and apprehend upon such Search they shall cause to be brought before any Justice or Justices of the Peace of the same County, Division, Riding, City, Liberty, or Town-Corporate.

*General Privy Searches to be made.*

4. And be it enacted by the Authority aforesaid, that where any Person or Persons, apprehended by any *Constable*, or other *Officer*, or *Inhabitant* of any Parish or Place, or upon such *Privy Search*, as aforesaid, shall be brought before any Justice or Justices of the Peace, it shall and may be lawful for such Justice or Justices, and he or they are hereby required to *examine* and *inform* him or themselves, as well by the

*Examinations to be taken by a Justice, &c.*

*And subscribed by the Party, and transmitted, &c.*

*Rogue, &c. Conveyed to the Place of Settlement, or Birth, or Residence of Father, &c.*

Oath and Examination of the Person or Persons apprehended, as of any other Persons (which Oath or Oaths, the said Justice or Justices are hereby authorized to administer) or by any other Ways or Means (he or they shall think most proper) of the *Condition* and *Circumstances* of the Person or Persons so apprehended, and of his, her, or their *Place of Abode*, or *Birth*; the Substance of which Examination or Examinations, the said Justice or Justices shall cause to be put down in *Writing*, and to be *subscribed* or signed by the Person or Persons so examined, and after transmitted to the next Quarter-Sessions of the Peace, to be holden for the same County or Place, there to be filed and kept on Record: And in Case it shall appear that such Person hath obtained any *Legal Settlement*, such Person shall be sent to the Place of his or her last *Legal Settlement*, by such Order, and in such Manner, as by the Laws of this Realm, other Persons likely to be chargeable to the Parish are to be sent; but if it cannot be found that such Person hath gained any *Legal Settlement* since the Time of his or her *Birth*; then such Justice or Justices of the Peace, shall, and are hereby required, by a *Pass* under his or their Hand and Seal (directed to the Constable or Tythingman of the Parish or Place where such Rogue or Vagabond was apprehended, and taking Notice where, and for what Cause,

Cause, such Person was apprehended, and whither, and in what Time, he or she is to pass) to cause such *Rogue or Vagabond*, of whatsoever Age he or she be, to be conveyed to the Place of his or her *Birth*; or if he or she be under the Age of fourteen Years, and have any Father or Mother living, to the Place of the Abode of such Father or Mother, in case such Place of Birth or Abode can be known; but if the same cannot be known, then to the Parish or Town where he or she were last found begging, or misordering him or her self, and passed unapprehended, and there to be delivered to the Constable, or other Officer of such Parish or Place: The which Pass shall be in the Form, or to the Effect following.

5. To the Constable of the Parish of  
in the County of  
(or, To the Tythingman, &c. as the  
Case shall be.)

*Form of the  
Pass.*

*Whereas* being, as he in-  
forms, about the Age of  
Years, was apprehended in the Parish of  
aforesaid (or, in the Town of )  
there wandring and begging (or, there pre-  
tending himself to be Collector for the Prisons,  
&c. and wandring for that Purpose, or, there  
practising as a Fencer, &c. as the Case  
shall require) and brought before me, One  
of Her Majesties Justices of the Peace for  
this County, and upon Examination of the  
said and of taken before  
me



me upon Oath, It doth appear, that the  
 said                      was born at                      in  
 this County (or, in the County of  
 or, That the said                      is under the  
 Age of fourteen Years, and hath a Father  
 living and abiding in the Parish or Town  
 of                      or, That the said                      was  
 found begging in the Parish of  
 where he last past through unapprehended,  
 and the Place of his or her Birth cannot be  
 discovered; and it doth not appear to me,  
 That the said                      hath obtained  
 any Legal Settlement since his or her Birth)  
 These are therefore to require you to convey  
 the said                      in the next direct way  
 to the said Parish or Town of  
 and there deliver him to the Constable or  
 other Officer of the same Parish or Town,  
 to be there provided for according to Law.  
 (Or in case the said Place be out of the  
 same County, Riding, Corporation,  
 or Franchise, which hath separate Quar-  
 ter-Sessions of the Peate, then it shall  
 be,) to convey the said                      to the  
 Parish or Town of                      that being the  
 first Town in the next Precinct through  
 which he ought to pass to the said Parish  
 or Town of                      to be thence Con-  
 veyed on according to the Directions of this  
 Act, to the said Parish or Town of  
 ) And I do hereby allow the Space  
 of                      Days for his or her Passing  
 to the said Parish or Town of

Given under my Hand and Seal,  
 this                      Day, &c.

6. Pro-

6. Provided always, and be it further enacted by the Authority aforesaid, That if any Person who hath obtained a *Legal Settlement*, be found *Wandering and Begging, and Misordering* him or her self, as aforesaid, he or she, as well as any other Person apprehended as a Rogue or Vagabond, may, by such Justice or Justices of the Peace, before his or her being sent by such Order or Pass, as aforesaid, if the said Justice or Justices think proper, be ordered to be stript naked from the Middle, and openly whipped, until his or her Body be bloody, or may be sent to the House of Correction, there to be kept at hard Labour, according to the *Nature and Merit* of his or her Offence, at the *Discretion* of such Justice or Justices, and shall afterwards be immediately sent away by such Order or Pass, as aforesaid; which Punishment of Whipping, or conveying to the House of Correction, the Constable or other Officer authorized by the said Justice or Justices so to do, shall see, and take Care to have duly executed.

*May be whipt, &c. if the Justice thinks fit.*

7. Provided always, and be it enacted by the Authority aforesaid, That all such Person or Persons found and apprehended upon a general privy Search, in Manner as by this Act is directed, who, upon Examination, shall appear to have committed such *Acts of Vagrancy* as are described in this Act,

*Charge of conveying Vagrants, &c. how to be born.*

and to have no fix'd Abode or Employment whatsoever, in the Place or Places where they shall be so apprehended, although they may have acquired a Legal Settlement subsequent to their Birth, and be sent by an Order of two Justices of the Peace, to the Place of such his, her, or their last Legal Settlement; yet the Charges of Conveying such Persons, shall be born and defrayed in the same Method and Manner, as the Charge of conveying other Rogues and Vagabonds, sent to the Place of his, her, or their Birth, is to be born and defrayed by Vertue of this Act. And in case such Justice or Justices of the Peace, upon his or their Examination, shall see Cause to judge any *Rogue or Vagabond*, apprehended or brought before him or them, as aforesaid, to be *dangerous* to the People where taken, and unlikely to be reformed, he or they may cause such a Rogue to be committed to the House of Correction, or to the Common Goal of the said County, Riding or Place, there to remain and be kept at hard Labour, until the next Quarter-Sessions to be holden for the said County, Riding or Place; and if the Justices of the Peace at such Quarter-Sessions, or the major Part of them, shall adjudge such a Person to be a *dangerous* and *incorrigible Rogue*, they shall cause him to be publicly *Whipt three Market-Days* successively at some Market-Town near, and afterwards kept

*Committed  
as dangerous  
incorrigible  
Rogues.*

Vid. p. 142,  
144. 145.  
*And whipt  
three Mar-  
ket-Days,  
&c.*

as

at hard *Labour* in the said House of Correction or Common Goal, during such time as they in their *Discretion* shall think meet. And in case any Rogue so committed by the Quarter-Sessions to the House of Correction, or Common Goal, there to be kept at hard Labour, shall before the Time expired, for which he or she shall be so committed, *voluntarily break out*, and make his *Escape* from the said House of Correction, or Common Goal, he or she shall for such Offence be *guilty of Felony*, and *suffer as a Felon*; the said Felony to be heard and determined in the County where such Offender shall be apprehended.

*Voluntary  
Escapes  
made Felony, &c.*

8. And be it enacted by the Authority aforesaid, That where any Person shall be brought before any Justice or Justices of the Peace, as a *Rogue or Vagabond*, such Justice or Justices of the Peace shall not make a Pass for the conveying such Person to the Place of his or her Birth, before Examination taken of the Case, nor afterwards, if upon such Examination it shall appear, that such Person hath any Legal Settlement subsequent to his or her Birth, on Pain of forfeiting the Sum of five Pounds for every such Offence, to be recovered by Action of Debt, Bill, Complaint or Information, by any Person who will sue for the same, in any of Her Majesties Courts of Record at *Westminster*, besides Costs of Suit, wherein

*No Pass to  
the Place of  
Birth before  
Examina-  
tion, nor af-  
ter, if a le-  
gal settle-  
ment be  
found, on  
Pain of 5 l.*

in no Effoign, Protection, or Wager of Law shall be allowed, or any more than one Imparlance.

*Rogues, &c. Refusing to be examin'd, or giving a false Account of their Birth or Settlement, to be deemed incorrigible Rogues.*

*Of which he is to be inform'd at the Time of Examination.*

*For preventing Expences in passing Vagrants, &c.*

9. And be it further enacted by the Authority aforesaid, That if any Person apprehended as a *Rogue or Vagabond*, as aforesaid, shall refuse to be examined upon his or her Oath, before such Justice or Justices of the Peace, touching the true Place of his or her Birth, or last Settlement, or being so examined, shall knowingly give any false or unsatisfactory Account thereof, such Person being detected of such Falsity before any Justice or Justices of the Peace, in a summary Way, shall be deemed as a dangerous and incorrigible Rogue, and may be punished in such Manner as such dangerous and incorrigible Rogues by this Act are directed to be punished; of which Punishment, to which any Rogue or Vagabond is liable for any false Account, the Justice or Justices of the Peace, who shall take such Examination, shall cause the Person so examined, to be informed of, during such his or her Examination.

10. And to prevent Expence in the passing and conveying of *Vagrants*, Be it enacted by the Authority aforesaid, That the Justice or Justices of Peace, who shall make any Pass or Order for the passing or conveying of any *Rogue or Vagabond* to the Place of his or her Birth, or the Abode of his or her Father

or Mother, or the Place where such Rogue or Vagabond last begged, or misordered him or her self, and passed unapprehended, shall, at the same Time, with the said Pass or Order, cause likewise to be delivered to the Constable or other Officer appointed to convey him, her, or them, a Note or Certificate, ascertaining how he, she, or they is or are to be conveyed by Horse, Cart, or on Foot, and whither, and in what Time, and what Allowance such Constable or Officer is to have for conveying such Person or Persons to the Place to which such Constable or Officer is to pass him, her, or them, in the Form, or to the Effect following, (viz.)

A Certificate must direct in what Manner they are to be pass'd, and what Allowance to the Constable, &c.

11. *Whereas by a Pass (reciting the Substance or Effect of the said Pass) I do hereby order and direct, that the said Person or Persons is or are to be conveyed on Foot (or, in a Cart, or, by Horse, &c.) to the said Parish or Town of in Days time, for which the said Constable, &c. is to be allowed the Sum of and no more. Given under my Hand, this Day, &c.*

Form of the Certificate.

12. And it is enacted by the Authority aforesaid, That the Constable or other Officer, who shall receive such Pass and Certificate, shall, and is hereby required to convey, or cause to be conveyed, the Person or Persons named in such Pass, in such Manner, and in such

Constables, &c. to pursue the same, and pass them the direct Way to the Place appointed.



such Time, as by the same Pass shall be directed, the next direct Way to the Place, whither he, she, or they are ordered to be sent, if such *Place* be in the same County, Division, Riding, Corporation, or Franchise, keeping separate Quarter-Sessions, wherein the said Person or Persons were apprehended; or if it be not in the same County, Riding, Corporation, or Franchise, then to the first Town of the County, Division, Riding, Corporation, or Franchise, named in such Pass or Certificate, through which such Person or Persons are to be conveyed in the direct Way to the Place whither he, she, or they is or are so sent, and there deliver him, her, or them to the Constable or other Officer of the said Place, or first Town respectively, together with the said Pass, taking a Receipt or Note of such Delivery upon the said Certificate, under the Hand or Mark of such Constable or other Officer, to whom he, she, or they shall be so delivered; and the Constable or other Officer, to whom such Person or Persons shall be so delivered shall and are hereby required forthwith to receive the said Person or Persons, and to sign such Receipt or Note, and with all convenient Speed to apply to some Justice of Peace of his proper County or Precinct, who shall cause such Rogue or Vagabond or Vagabonds to be stript naked from the Middle, and to be openly whipt, or otherwise to be sent to the House of Correction of the same Coun-

*And deliver them to the Constable, &c. of the next Place, and with the Pass, taking a Receipt of the same upon the Certificate. And the next Constable to apply to a Justice, who is to cause such Rogue to be whipt or &c. and afterwards thence conveyed with the said Pass, and a new Certificate to the next County or Precinct.*

County or Precinct, and there kept at hard Labour for two or three Days, and afterwards to be thence conveyed, with the said former Pass, and with a new Order and Certificate in like Form as before, *mutatis mutandis*, to be by the said Justice made, for the passing and conveying the same Person or Persons through his *County or Precinct*; and so it shall be done from one *County or Precinct to another*, until the Person or Persons, so intended to be passed, shall be brought to the Place whither he, she, or they was or were at first ordered to be sent, and there delivered to the Constable or other Officer of the same Place, who is hereby required to receive him, her, or them, together with the said Pass, and *sign a Receipt* or Note of such Delivery, as aforesaid.

13. Provided always, that *no Constable*, or other Officer shall be obliged to receive any Person or Persons by any *Pass* or Order, as aforesaid, unless it appear by the said Pass, that the Persons so ordered to be conveyed *have been whipped* or sent to the House of Correction, as aforesaid, in the County, City, or Town-Corporate, through which they last passed (*except Women great with Child*, Soldiers wanting Subsistence, having lawful Certificates from their Officers or Secretary at War, or such Persons as the Justice or Justices shall judge not able to undergo such Punishment) which shall be certified in the said Order or Pass.

*No Constable, &c. obliged to receive him unless it appears by the Pass that he has been whipt, or, &c.*

*Exception.*

*Justices at  
their Sessions  
to appoint  
the Rates  
for passing,  
&c. and  
make other  
Orders and  
Rules there-  
in at Dis-  
cretion.*

14. And be it further enacted by the Authority aforesaid, That the *Justices of Peace* of any County, Division, Riding, City, Town-Corporate, or Franchise, shall and may, at their *General Quarter-Sessions* of the Peace, from time to time, appoint, and direct, what *Rates* or Allowances *per Mile*, or otherwise, shall be made for the *passing*, conveying, or maintaining of Vagrants, so to be passed or conveyed, as aforesaid; and may likewise make such other *Orders*, *Rules*, and *Directions*, for the more regular proceeding or acting therein, within their respective Limits and Jurisdictions, as they in their Discretions shall think proper; which *Rates*, Allowances, *Orders*, *Rules*, and *Directions*, shall, from time to time, be observed and submitted to by all other *Justices of Peace*, *Constables*, *Officers*, and other Persons within the same Limits and Jurisdictions respectively.

*And raise  
Money for  
that Pur-  
pose to be  
paid quar-  
terly to the  
Chief Con-  
stables, &c.*

5. And be it further enacted, That the said *Justices of the Peace*, at such their *Quarter-Sessions*, may, from time to time, when need shall be, by such Ways and Means as Monies for County Goals or Bridges may be raised, cause such *Sums of Money* to be raised within their respective Precincts, and Jurisdictions, for the *passing* and conveying, or maintaining of *Rogues* and *Vagabonds*, as aforesaid, as shall be necessary for those Purposes; which Monies so to be raised, shall be quarterly paid to the *Chief Con-*

*Constables* of each Division, in such manner as that such *Chief Constables* may have a *Quarterly Payment* in their Hands before-hand, for the Purposes hereafter mentioned; and the said *Chief Constables*, shall twice a Year, or oftner, as the said Justices shall direct, account for the same with the *Treasurer* or *Treasurers* of their respective County, Riding, City, Town Corporate or Place.

16. And be it further enacted, That in case any *Petty-Constable* or other Officer of any Parish or Place, shall bring to any such *Chief-Constable* any such *Certificate*, as aforesaid, as shall be given him by any *Justice* or *Justices* of the Peace of the proper County or Place, ascertaining how, and for what *Rates* and Allowances he shall be required to convey any *Rogues* or *Vagabonds*, as aforesaid, together with a Receipt or Note from the Constable or other Officer, to whom the Person or Persons, so to be conveyed, were delivered, and not otherwise, the said *Chief-Constable* shall and may pay unto such *Petty-Constable* or other Officer, the *Rates* and Allowances ascertained in and by such *Certificate*, and no more, taking from such *Petty-Constable* or other Officer such *Certificate*, and his Receipt for the same; which *Certificate* and Receipts the *Chief-Constable* shall be allowed to discount, on his Account to be made with the *Treasurer*

or

*Who are to account for the same.*

*And pay to the Petty-Constables what Rates shall be allow'd by the Justices Certificate.*

or *Treasurers* of the said *County* or *Place* respectively.

*Petty-Con-*  
*stables coun-*  
*terfeiting*  
*Certificates*  
*or not con-*  
*vaying, &c.*  
*forfeit 20 l.*  
*&c.*

17. Provided always, and be it further enacted, That in case any such *Petty-Constable* or other Officer shall Counterfeit any such *Certificate*, *Receipt*, or *Note*, or alter any *Sums* mentioned in such *Certificate*, or shall not really convey, or cause to be conveyed, the Person or Persons thereby intended to be conveyed to the Place where, by this Act, he, she, or they ought by such *Constable* or other Chief Officer to be conveyed, that in any of the said Cases the said *Constable* or other Officer shall forfeit the *Sum* of 20 l. over and above the *Sum* so fraudulently taken, One *Moiety* to the *Poor* of the *Parish* where such Offence is committed, the other *Moiety* to the *Informer*, to be levied by *Distress* and *Sale* of the *Offenders* Goods, by *Warrant* from any *Justice* or *Justices* of the *Peace* of the *County* or *Place* where such Offence shall be committed.

*A Justice*  
*may exam-*  
*ine Con-*  
*stables, &c.*  
*touching*  
*such Con-*  
*vaying, &c.*  
*and if they*  
*refuse, or*  
*neglect their*  
*Duty, to*  
*lose the*  
*Sums al-*  
*low'd.*

18. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any *Justice* or *Justices* of the *Peace*, to examine any *Constable* or other Officer upon his Oath (which Oath the said *Justice* or *Justices* are hereby authorized to administer) whether he did convey the Person or Persons whom he was ordered to convey by any *Pass* or *Certificate*, as aforesaid, and to whom he delivered such Person or

or Persons; and in case such *Constable* or other Officer shall *refuse* to be *Sworn*, or in case upon his Examination it shall appear that he hath *neglected* his *Duty*, he shall lose such *Allowance* as by the said Certificate he would have been otherwise entituled unto.

19. And be it enacted by the Authority aforesaid, That the *Parish* or *Place* to which any *Rogue* or *Vagabond* shall be conveyed by Pass, as aforesaid, shall take care to *employ in Work*, or to place in some *Workhouse* or *Alms-house*, the Person or Persons so conveyed to them, until he, she, or they shall betake themselves to some *Service*, or other *Employment*; and in case any such Person or Persons shall *refuse* to *Work*, the *Overseers* of the *Poor* of the same *Parish* or *Place*, or One of them, may cause such Person or Persons to be carried before some *Justice* of the Peace, in order to be sent to the *House of Correction*, there to be kept at hard labour; and in case any *Parish* or *Place* shall not take care to employ, but shall *encourage* or *voluntarily permit* any such Person or Persons, to be conveyed to them by Pass, as aforesaid, to *escape* or *wander* about again, and the said Person or Persons shall be afterwards taken up again *wandering* and *begging*, or *misordering* him or her self in any other *County* or *Parish*, it shall and may be lawful for any *Justice* or *Judges* of the *County* where such *Rogue* or *Va-*

*The Parish, &c. to which a Rogue, &c. is conveyed shall employ him, &c. till he gets Service, &c.*

*And if he refuse, to be sent to a House of Correction.*

*A Parish, &c. voluntarily permitting an Escape, the Charge of apprehending, &c. to be levied on the Constables, &c.*



*Another  
County.*

*Sessions to  
inquire of,  
and punish  
Neglects,  
&c. therein.*

or Vagabond shall be *again apprehended*, to compute what *Charge the said County* shall be put to, by the *apprehending, punishing, or passing any such Rogue or Vagabond*, and the Sum of Money, so computed and ascertained, the said Justice or Justices shall, and may, by Warrant under his or their Hand and Seal, order to be *levied upon any of the Constables, Church-wardens, or Overseers of the Poor, so in Default, by Distress and Sale of his or their Goods; or in case such Parish or Place that is in Default, be in another County*, then the Warrant, ascertaining such Charge, may be brought to some Justice or Justices of the Peace of the same County, who shall and is hereby required to cause the same to be levied in manner aforesaid, and the Money so levied shall be paid for the Use and Benefit of the County or Place where or by whom such Charge was expended; and the Constable or other Officer upon whom the said Monies shall be levied, may put the same in his or her Rates, which shall be allowed by the Inhabitants of such Parish or Place; and likewise the Justices of the Peace of the County or Place, whither any such Rogue or Vagabond shall be conveyed and brought by Pass, as aforesaid, may at their General *Quarter-Sessions* of the Peace, to which such Pass is to be transmitted as aforesaid, enquire of the *Default or Neglect of any Officer or other*

*Perj*

Person of any Parish or Place, to which any Rogue or Vagabond shall be brought, as aforesaid, in permitting or encouraging his, her, or their *Escape or Departure*, and may *punish* the Person offending according to the Nature and Merit of his Offence; and in case any Person shall be afterwards *found again wandring and begging*, or misordering him or her self, It shall and may be lawful for any Justice or Justices of the Peace, upon Proof thereof before him or them, to *send such* Person or Persons to the *House of Correction*, there to be kept to hard Labour till the next *Quarter-Sessions* of the Peace, to be holden for the same County or Place; and in case such Person or Persons shall not then give *Security* for his *good Behaviour* for One Year then next ensuing, to be approved by the said Justices of the Peace at the said Quarter-Sessions, the said Justices may adjudge him or them to be dangerous and *incorrigible Rogues*, and order him or them to be punished accordingly.

20. And be it further enacted by the Authority aforesaid, That in case any Person or Persons, apprehended and brought before any Justice or Justices of the Peace, as aforesaid, shall, upon Examination, be found by his, her, or their own *Confession*, or by Oath of *One* or more credible *Witnesses* ( which Oath such Justice or Justices are hereby enabled to administer ) to have obtained

*A Rogue, &c. wandring, &c. again may be sent by a Justice to a House of Correction till the Sessions.*

*Incorrigible Rogues.*

*A Vagrant and no legal Settlement or a common*

*Beggar for 2 Years, or an incorrigible Rogue may be*

*forced by one Justice to serve 7 Years Apprenti-ship and sent to the Plantations*

*no &c.*

no legal Settlement since his or her Birth, and to have committed any of the Acts of *Vagrancy* mentioned in this Act, or to have used the Trade or Life of a common Beggar or a Vagabond, for the space of *Two Years* then last past, although he had formerly a Settlement, or to be a *dangerous* and *incorrigible Rogue* within the Intent of this Law, It shall and may be lawful for such Justice or Justices of the Peace, instead of punishing or passing him, her, or them away, in the Manner before directed, by Order under his or their Hands and Seals, to *commit* the Person or Persons so apprehended to the Custody and Power of him or them who procured such Apprehension, or in Case of his or their Refusal to the *Custody* and Power of any other Person or Persons, Body Politick or Corporate, willing to receive him, her, or them, as his or their *Apprentice* or Servant for the Space of *Seven Years* thence next ensuing, and no longer; and the Person and Persons so committed, shall be the *Apprentice* or Servant of him or them to whom he, she, or they shall be committed, during the said space of *Seven Years*, to all Intents and Constructions of Law whatsoever; and the Person or Persons, Bodies Politick or Corporate, to whose Custody and Power he, she, or they shall be so committed, shall and may detain, keep, Employ, and set to Work, either within

within this Realm of *Great Britain*, or in any of her Majesties Plantations, or any *British* Factory or Factories beyond the Seas, the Person or Persons so committed to his or their Custody and Power, during the said space of Seven Years, and no longer; any Law, Custom, or Statute to the contrary in any wise notwithstanding.

21. Provided always, That no such Person or Persons shall be transported beyond the Seas, until his, her, or their Master or Mistress shall become bound by Recognizance, in the Penalty of 40*l.* with Condition, that the Person or Persons so to be transported shall be sent to, and imployed in some of her Majesties Plantations, or in some *British* Factory or Factories, and there supplied with Necessaries fitting and convenient, and at the end of the said Seven Years, or sooner, be absolutely discharged, and set at Liberty, and in the mean Time not be Sold or Disposed to any Alien or Aliens whatsoever; which Recognizance any Justice or Justices of the Peace are hereby enabled to take, and shall transmit the same to the next Quarter-Sessions of the Peace, to be holden for the same County, Riding, City, Borough, or Town-Corporate, there to be filed and kept on record.

*On a Recognizance of the Master not to sell him to any Alien, &c.*

*Appeal to the Sessions and their Determination to be final.*

22. Provided, any Person or Persons who shall think himself agrieved by such Order of any Justice or Justices of

of the Peace, may appeal to the next *Quarter-Sessions* of the County where such Order was made, and shall not be sent away or committed by Virtue of such Order, till such *Quarter-Sessions*, whose Determination therein shall be final, but may in the mean Time be kept in the House of Correction of the same County or Place, if such Justice or Justices shall think it necessary.

*Constables,  
&c. on Com-  
plaint of  
2 Inhabi-  
tants to re-  
move loose  
and idle  
Persons,  
blind, lame,  
&c. from  
begging in  
Streets, &c.*

23. And whereas many loose, idle, and disorderly Persons, blind, lame, or pretending to be so, or with distorted Limbs, or pretending some Bodily Infirmary, place themselves to beg in Streets, Highways, or Passages, to the great Annoyance and Disturbance of Passengers, for want of due care in the Constable, or other Officers, in whose Precincts or Liberties such Persons are suffered to beg; Be it enacted by the Authority aforesaid, That when any such Person shall be found begging, as aforesaid, in that Part of Great Britain called England, Complaint thereof being made by two or more Inhabitants of the Parish, Town or Place, to the Constable, or in his Absence, to the Headborough or Tythingman of the Precinct, Liberty or Place where such Person shall be found begging in such manner, as aforesaid, such Constable or other Officer, as aforesaid, shall, with all convenient Speed after such Complaint made, cause the said Person to be removed, and in ca

*And on  
their Refu-  
sal, &c. to  
cause 'em to  
be whipt.*

he or she shall *refuse* to be removed, or being removed, shall *offend a second Time*, such Constable or other Officer shall cause such Person to be stripped naked from the Shoulders to the Waste; and *whipped* till his or her Body is bloody; and if such Constable or other Officer shall *neglect or refuse* to do, or cause the same to be done, Oath of such Neglect or Refusal being within 24 Hours made by *Two or more* credible Witnesses, before One or more of the Justices of the Peace of the County, Riding, City, Town, or Place where such Person shall be found begging, as *aforsaid*, (which Oath such Justice or Justices have hereby Power to administer) such Constable or other Officer, for every such Neglect or Refusal, shall forfeit the Sum of 10 s. to the Use of the Poor of the Parish, Town or Place, where such Offence shall be committed, to be, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, levied by Distress and Sale of the Goods and Chattels of such Offender, rendring the Overplus (if any be) to the Owner.

*Constables,  
&c. neglecting,  
&c. forfeit 10 s.*

24. And whereas there are sometimes in Parishes, Towns and Places, Persons of little or no Estates, who, by *Lunacy*, or otherwise, are *furiously Mad*, and dangerous to be permitted to go Abroad, and by the Laws in being the Justices of Peace and Offi-

*Lunatics  
and mad  
Persons by  
Warrant of  
two Justices  
may be lock-  
ed up, &c.*



cers have not Authority to restrain and confine them; Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more of the Justices of the Peace of any County, Town or Place in England, Wales, or Town of Berwick upon Tweed, where such Lunatick or mad Person shall be found, by Warrant under their Hands and Seals, directed to the Constables, Church-wardens, and Overseers of the Poor of such Parish, Town or Place, or some of them, to Cause such Person to be apprehended, and kept safely locked up, in such secure Place within the County where such Parish or Town shall lie, as such Justices shall, under their Hands and Seals, direct and appoint, and (if such Justices find it necessary) to be there chained, if the last legal Settlement of such Person shall be in any Parish, Town, or Place within such County, and if such Settlement shall not be there, then such Person shall be sent to the Place of his or her last legal Settlement, as Vagrants by this Act are directed to be sent (Whipping excepted) and shall be kept safely locked up or chained, as aforesaid; and the Charges of keeping and maintaining such Person, during such Restraint (which shall be for and during such Time only as such Lunacy or Madness shall continue) shall be satisfied and paid by Order of Two or more Justices

*And chained if found necessary, &c.*

*Not to be whipt.*

*And only during their Lunacy.*

Justices of the Peace for the County, Town or Place where such Settlement shall be, out of the Estate of such Person, if such Person hath an Estate to pay and satisfy the same, over and above what shall be sufficient to maintain his Wife and Children, if he hath any; and if he hath not such an Estate, then the Charges of keeping and maintaining such Person, during such Restraint, shall be satisfied and paid by such Ways and Means, as the Poor of such Parish, Town or Place, are by the Laws in being to be provided for.

*How to be maintain'd.*

25. Provided always, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to restrain or abridge the Prerogative of the Queen, or the Power or Authority of the Lord-Chancellor, Lord-Keeper, or Commissioners of the Great-Seal of Great-Britain, for the Time being, or of the Chancellor or Vice-Chancellor of the County-Palatine of Lancaster for the Time being, or of the Chamberlain or Vice-Chamberlain of the County-Palatine of Chester for the Time being, touching or concerning the Premises; Any Thing in this Act contained to the contrary notwithstanding.

*Not to abridge the Queen's Prerogative or Lord Chancellor's Power, &c.*

26. And be it further enacted by the Authority aforesaid, That in case the Master of any Ship or Vessel, or other Person, having Command in the Voyage, shall

*Masters of Ships, &c. bringing any Rogue, from Ireland, &c. who begs, &c. here, to forfeit 5 l. besides the Charges of apprehending and re-conveying.*

shall bring into this Realm from *Ireland*, the Isle of *Man*, the Isles of *Fer-sey*, *Guernsey*, or *Scilly*, or any of the *Foreign Plantations*, any *Rogue*, *Vagabond*, or *Beggar*, or any Person or Persons likely to live by begging, being a Native of any the said Islands or Plantations, and the Person or Persons, so brought over, shall be apprehended wandring and begging, or otherwise misordering him or her self, as aforesaid, such Master or Person having Command in the said Voyage, shall forfeit the Sum of 5 *l.* for every *Rogue*, *Vagabond* or *Beggar* so brought over, over and above such Sum of Money as shall be necessary to defray the Charges that any Constable or other Officer shall be put unto, by Means of apprehending and reconveying back the Person or Persons so brought over; and that the Constable or other Officer of any Parish or Place, where any Person or Persons, so brought over, shall be found wandring and begging, or misordering him or her self, as aforesaid, may cause him, her, or them to be apprehended and openly whipped, and after carried and put on Board any Ship or Vessel in order to be re-conveyed and set on Shore in the same Island or Place from whence he, she, or they were brought paying for the Passage back of such Person or Persons such Rate per Head, as the Justices of the Peace at their Quarter-Sessions shall, from Time to Time

*Constables, &c. where found begging may apprehend and Cause him to be whipt and reconveyed.*

*Rates for reconveying to be appointed by the Sessions.*

appoint, to the *Master* of the said Ship or Vessel for his *Carriage* back; and in case such Constable or other Officer, shall, upon Oath, make appear before any Justice or Justices of the Peace, for the same County or Place, (which Oath such Justice is hereby impowered to administer,) what Expence he hath been put to upon such Occasion, It shall and may be lawful for such Justice or Justices of the Peace, by order under his or their Hand and Seal, to direct the Payment of the Sum of Money so expended, as also of the said Penalty of 5 l. and in case such Master or other Person, having Command of the said Ship or Vessel, shall refuse or neglect to pay the same Monies, so ordered to be paid upon demand, it shall and may be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal, to levy the same by Distress and Sale of the said Ship or Vessel, or any the Goods within the same, while found or remaining within the Power or Jurisdiction of such Justice or Justices; and if the said Master, of the said Ship or Vessel, shall be gone out of the Power or Jurisdiction of the said Justice or Justices of the Peace, the said Order of the said Justice or Justices may be removed by *Certiorari* into Her Majesties Court of *Queen's-Bench*, and there filed on Record, and being so filed, the Judges of the said Court are hereby authorized and required to di-

*The Constables Expences, and the 5 l. how to be levied.*

*A Certiorari to remove the Order.*

*Process thereupon out of the Queen's-Bench.*

rect Process for the Staying and Arresting the said Ship or Vessel, and detaining the same, until the Monies mentioned in such Order, together with the Charges of issuing and executing such Process, shall be fully satisfied, or otherwise to award Process for levying the said Money by *Capias*, *Fieri facias*, or *Elegit*, against the Master or Owners of the said Ship or Vessel, as the said Court shall think most proper.

*Which Order may be traversed, &c.*

27. Provided always, That in Case such *Masters or Owners* of the said Ship or Vessel, or any of them, shall, in the said Court of *Queen's-Bench*, shew any probable ground of Grievance by the said Order, he or they may be admitted by the said Court to traverse the same Order, giving Security, by Recognizance or otherwise, in the Penalty of 50 *l.* to answer and satisfy the Costs and Charges of such Traverse, in case it shall be determined against him or them.

*Masters of Ships, may be compelled to transport Rogues to Ireland, &c. (if their Settlement is there.)*

28. And whereas *divers Vagrants* have been conveyed from County to County, in order to be sent to Places in Ireland, the Isles of *Man*, *Fersey*, *Guernsey*, or *Scilly* (their last Legal Settlement) but for want of Authority to compel *Masters of Ships* and Vessels to take them on Board thither, at reasonable Rates, they have been very chargeable to several *Parishes*, Towns and Places in *England* and *Wales*, where they have layn for such Exportation; be it therefore enacted

sted by the Authority aforesaid, That all and every Master and Masters of Ships and Vessels bound for *Ireland*, the Isles of *Man*, *Fersey*, *Guernsey*, or *Scilly*, shall, and they and each of them is and are hereby required, upon Warrant to him or them directed, under the Hand and Seal of a Justice of the Peace of the County, Town, or Place where such Ship or Vessel shall lie, to take on Board the same such *Vagrant* and *Vagrants*, as shall be named and expressed in the said Warrant, and convey him, her or them, to such Place in *Ireland*, the Isles of *Man*, *Fersey*, *Guernsey*, or *Scilly*, as such Ship or Vessel shall be bound to, or shall arrive at; and for the Charges thereof such Master shall take, and the Constable, or Person who serves him with the said Warrant, shall pay him such Rate per Head, as the Justices of the Peace, at their Quarter-Sessions, shall from Time to Time appoint, for every such *Vagrant* so brought and delivered to him; and such Master shall and is hereby required, on the Back of the said Warrant, to sign a Receipt for the Money so paid, and also for the *Vagrant* or *Vagrants* so brought and delivered; which Warrant, so endorsed, shall then be produced to the Justice of the Peace, who signed and sealed the same; and upon his Allowance thereof under his Hand, the Money so paid shall be repaid by the County,

*At such Rate per Head, as the Quarter Sessions shall appoint. To be paid by the Constable, &c.*

*The Master, &c. to sign a Receipt.*



*Master refusing, &c. forfeits 5 l.*

in such Manner as by this Act the Money to be paid for conveying *Vagrants* from County to County is directed; and every Master of such Ship or Vessel neglecting or refusing to receive on Board, or to transport such *Vagrant* or *Vagrants*, or to endorfe and sign such Receipt, as aforesaid, shall forfeit 5 l. to the Use of the Poor of the said Parish, to be levied by Distress or Sale of the said Ship, or any Goods within the same, by Warrant under the Hand and Seal of any Justice of the Peace for the same County, City, or Town-Corporate, returning the Overplus (if any be) after the said Penalty and Charges of levying the same.

*Constables, &c. failing of their Duty, or other Persons hindring the Execution of this Act to forfeit 20 s. to the Use of the Poor.*

29. And be it further enacted by the Authority aforesaid, That in case any Constable or other Officer shall fail of his Duty, in the apprehending, punishing, or conveying of Rogues and Vagabonds, or shall be otherwise defective, remiss, or negligent in his Duty, or in case any Person or Persons shall disturb or hinder the Execution of this Act, or shall rescue any Person apprehended, or be aiding or assisting to his or her Escape, and shall be thereof convicted, either upon the View of any Justice or Justices of the Peace, or by the Oath of One or more credible Witnesses, which Oath the said Justice or Justices are hereby impowered to Administer, the Person or Persons so offending for every such Offence shall forfeit 20 s. to the Use

Use of the Poor of the same Parish, to be levied by Distress and Sale of the Offenders Goods, by Warrant from One or more Justices of the Peace for the same County, returning the Overplus (if any be) after the said Penalty and Charges of making and keeping the said Distress.

30. And be it enacted by the Authority aforesaid, That an Act made in the Thirty-ninth Year of the Reign of Queen Elizabeth, Intituled, *An Act for Punishment of Rogues, Vagabonds, and Sturdy Beggars*, and another Act made in the First Year of the Reign of King James I. Intituled, *An Act for the Continuance and Explanation of the same Statute*, and so much of another Act made in the Seventh Year of the same Reign, Intituled, *An Act for the Execution of divers Laws and Statutes heretofore made against Rogues, and Vagabonds, and Sturdy Beggars, and other lewd and idle Persons*, as relates to the privy Search thereby directed to be made, shall be and are hereby repealed.

*A Repeal of*  
39 Eliz.c.4.  
1 Jac. I.  
cap. 7. and  
Sect. 5. of  
7 Jac. I.  
cap. 4.

31. Provided always, That this Act, or any Thing therein contained, or any Authority thereby given, shall not in any wise extend to disinherit, Prejudice, or hinder the Heirs or Assigns of John Dutton of Dutton, late of the County of Chester, Esq; deceased, their Heirs or Assigns, for, touching, or concerning any Liberty, Privilege, Pre-eminence, and Authority, Jurisdic-

*See the Reason of this Clause in the Remarks, infra.*

tion or Inheritance, which they, their Heirs or Assigns, now lawfully use, or have or lawfully may or ought to use, within the County Palatine of Chester, and the County of the City of Chester, or either of them, by reason of any ancient Charters of any Kings of this Land, or by reason of any Prescription, or lawful Usage or Title whatsoever.

*Notes upon  
the Act.*

In the precedent Statute we may observe, the Title, the Preamble, the Body of the Act, and the several Provisions therein; which are the usual formal Parts that compose our modern Acts of Parliament.

1. *The Title.* The Title thereof consists of three Parts, viz.

1st. *For reducing the Laws relating to Rogues, Vagabonds, &c. into one.* And yet by Sect. 30. it appears that only two former Acts, and part of a Paragraph in a third, are hereby repealed.

2dly. *For more effectual punishing them, &c.* and yet no express mention in the Act how Vagrants are to be punish'd, or distinguish'd from Rogues and Vagabonds; though by the Preamble of the Act, and comparing Sections 7, 20, and 28, a Difference seems intended.

3dly. *And sending them whither by Law they ought to be sent.* And this seems to be the principal Intention of making this Stat. for that the former Laws had not sufficiently provided touch-

touching passing or conveying Rogues and *Vagabonds*, as well as *Vagrants*.

For though *Vagrants* as well as *Vagabonds*, are such as wander about begging, &c. and both of 'em fall within the Definition *sine Sede, Fide, Spe aut Re*, Vide Lib. p. 8. yet here it seems, as if a *Vagabond* was intended one, whose Place of Settlement or Birth may be found on Examination, as is directed, Sect. 4. But a *Vagrant* is one, whose Settlement or Birth cannot be found to be within this Kingdom; and therefore such may be forced to serve Apprentices, and thereby acquire Settlement, or be transported out of the Kingdom. *Vide* Sect. 20, and 28. and the Stat. 11 W. 3. c. 18. and 1 Anna, c. 13. Vid. p. 130, 154, 169, 209, 210.

And that this or the like Difference was intended, appears from the Preamble of the Act, which recites----*Whereas many Parts of the Kingdom, (i.e. the Sea-Coasts, &c.) are oppressed by the usual Method of conveying Vagabonds or Beggars, &c. by having such Persons convey'd as Vagrants, who ought not so to be:* Which plainly declares, that *Vagabonds* ought not to be convey'd as *Vagrants* were. 2. The Preamble.

For former Laws having directed that *Vagrants* should be whipp'd from Town to Town, and so carried from County to County, till their Place of Birth, &c. could be found, it became a usual Practice for ignorant Justices, Constables, &c. by a general Passport, P. 129, 195.

to convey Vagabonds and Beggars in like manner, which was a great Burthen and Oppression to the County, and occasioned the making of this Act, which has directed a particular Passport for that purpose. Sect. 5.

3. *The Body of the Act.*

And *the Body of the Act* in several Parts thereof, has not only ascertained how *Rogues* and *Vagabonds* shall be apprehended, committed, punished, and conveyed to their last Place of legal Settlement, or Place of Birth, &c. as Sect. 3, 4, 5, &c. to Sect. 19. but also in Sect. 20. mentions *Vagrants* as having no legal Settlement; and orders such to be compell'd to serve as Apprentices for 7 Years, and may be sent to the Plantations, &c.

P. 193, 169.

And Sect. 28. recites, *Whereas divers Vagrants have been conveyed from County to County* (compare this Sect. with the Words of the Preamble ante Sect. 1.) *in order to be sent to Places in Ireland, &c.* Their Places of Settlement being out of the Kingdom, it takes Order how they shall be sent thither; and these two Particulars make up the principal Body of the Act.

Vid. p. 134, 135, 136.

Indeed Sect. 23. contains a Direction how another kind of idle and disorderly Persons shall be punished, *i. e.* idle Persons, &c. and Lame or Blind, begging in *Streets* and *High-ways*, &c. (The Description, Sect. 1. relating to such only as wander and beg at *Houses*, &c.) And Sect. 24 and 25, concerns the confining of *Lunaticks* and Mad

Mad People. But neither of these are denominated *Rogues, Vagabonds, or Vagrants* by the Act, nor can they be so esteemed within the Intent or Meaning thereof.

Another Part of the Act contained <sup>P. 149.</sup> in Sect. 26, 27. directs how Masters and Owners of Ships, importing *Rogues* from *Ireland, &c.* shall be distrein'd or prosecuted for the same. But that not appearing to be any of the principal Branches of the Act, nor to come within the first Intention or Design of the Law-makers, I shall wave it at present, and proceed to consider some of the principal Sections or Clauses therein.

[Sect. 1.] Gives a Description of the several Species of Persons who are to be deem'd Rogues and Vagabonds within this Act: And they are hereby distributed under 7 particular Classes or Divisions, viz.

1. Pretended { Patent-Gatherers, } wandring  
                   { or Collectors for } for that  
                   { Prisons, &c. } Purpose.
2. All { Fencers, Bear- } though  
           { wards, Common } not wand-  
           { Players of Inter- } ring, &c.  
           { ludes, Minstrels, } or  
           { and Juglers. }
3. Pretended { Gypsies or E- } wandring  
                   { gyptians, } in their  
                   { } Habit or  
                   { } Form.

4. Pre-



- |                  |   |                  |            |
|------------------|---|------------------|------------|
| 4. Pretenders to | { | Physiognomy,     | } or, like |
|                  |   | Palmeſtry,       |            |
|                  | { | Fortune-telling, | } or, like |
|                  |   |                  |            |

5. Using Any subtile Craft or unlawful Games or Plays.

Vid. p. 142, 143. 6. All Able-bodied Persons, who run away, and leave their Wives or Children to the Parish, and not having otherwise to maintain themselves, use loytring, and refuse to work for the usual and common Wages.

(Note, this Description is very perplexed, and the several Copulatives therein render it very uncertain.)

7. And all other idle Persons, wandring abroad, and begging, (except Soldiers, Mariners, &c. licensed, &c. Vide the Act.)

Note, The said Exception in the Act can refer to this last part of the Description only, viz. All other idle Persons, &c. And to bring any Person within the Compass of this Description, there must be both a wandring, and also begging.

So that Soldiers, Mariners, &c. may wander or travel, without such Testimonial, &c. as is mentioned in this Exception: But then they must take care they do not beg (at People's Houses) or come under any of the former parts

parts of the above *Description*; in which Cases such a *Testimonial*, &c. would not protect them; for it cannot give them a License to do a Thing expressly prohibited by the Act; but with such a *Testimonial*, they may *beg* and *wander*, but not out of the *direct* Way.

Note, There are several Parts of the Description of a Rogue or Vagabond in the Stat. 39 *Eliz.* (hereby repealed,) but omitted in this; particularly (*all Persons calling themselves Scholars, going about begging*) *Vide* the said Act and *Quere*, If the said Omission will not be one Means of introducing the Order of *Mendicants*, &c.

[*Secl.* 2.] Here the Descriptions which in the former Section were confined to *wandering*, seem to be enlarged and rendered less certain by adding the Words, *and begging, or misordering*, &c. But no doubt these Words shall be taken distributively, *reddendo singula singulis*; so that *wandering, begging* and *misordering*, &c. must respectively refer to the several Species of Rogues, &c. as they are above described.

*Vid. p. 192, 193, &c.*

For as *wandering* is here express'd, to be the sole efficient Cause why pretended *Patent-Gatherers*, and *Collectors for Prisons*, &c. are to be deemed Rogues and Vagabonds within this Act, so both *wandering* and *begging* are necessary to bring all idle Persons under that Description: And the Word *misordering* must relate to all those Parts of the

De-

Description from No. 2. to No. 5. inclusive ; as Fencers, Bearwards, &c. All which are *Rogues* within this Act, because they are included in these Words, *Misordering themselves as aforesaid.*

Vid. p. 149,  
150, 151.

The Manner of apprehending *Rogues* and *Vagabonds*, being particularly directed in this Section, the Direction ought to be strictly pursued, as that it be done by Warrant or Charge from a Justice 'Tis true, the Constable being an Officer at Common Law, may apprehend, without such Warrant or Charge. But any other *Inhabitant* (in this Section mentioned) must, I take it, have an Authority in writing from the Justice.

But *note*, *Inhabitants* after such Authority receiv'd, must obey it, under the Forfeiture of 10 s. Yet a *Quere* may be here made, whether such Forfeiture can be, or such *Inhabitant*, or the Constable, are obliged to apprehend, in the Case of *idle Persons*, but only where such Person is seen to resort to *some House to beg.*

Vid. p. 134  
135, 136,  
153.

And I conceive they cannot. For though the Constable or any *Inhabitant* should see any *idle, loytering or disorderly Person, begging or gathering Alms* in the High-ways, Streets or Fields, &c. in such Cases they may refuse to apprehend, without incurring the Forfeiture, notwithstanding the Warrant or Command of a Justice. And for such begging in the High-ways,

ways, Streets, &c. particular Directions is given by another Branch of this Act, viz. Sect. 23. and therefore cannot be intended to be included in this Clause.

Besides, by the following Words of this Section, a *Reward* is given to any Person that shall apprehend a *Rogue*, &c. which seems intended to take place where the *Forfeiture* could not; and is to be paid by the Constable, &c. where such *Rogue*, &c. last was found *begging*, &c. and *pass'd unapprehended*, to the Person apprehending --- Which Words *begging*, and *passing unapprehended*, can respect only, that *Part* of the *Description* of a *Rogue*, which makes both *begging* and *wandering* necessary to his being so.

Vid. p. 149, 150.

And therefore, the *Penalty* of 20 s. in case of the Refusal or Delay of the Constable, &c. to pay the Reward of 2 s. to the Person apprehending on Demand, can only be in those Cases where there is both a *wandering* and a *begging*.

[Sect. 3.] Directs how general privy Searches shall be made, which needs no Explanation; only you may observe how far the Law is altered in this Particular, by comparing this Section with the like Clause in 7 Jac. 1. cap. 4. Sect. 5.

Vid. p. 137, 138, 317.

[Sect. 4.] After such Rogues, &c. are apprehended, either by the Constable, or Inhabitants, as Sect. 2. or upon a *privy Search*, as Sect. 3. they are to be

exa-

*examined* by some *Justice* or *Justices*, who upon Oath of the *Parties* and others, or by other Ways they shall think proper, are to inform themselves of their Condition, Circumstance, Place of Abode and Birth: This *Examination* is to be put in *writing*, and *signed* by the *Party examined*, and transmitted to the next *Sessions*, there to be filed and kept on *Record*. And if it appears that such Person has gained any *legal Settlement*, he shall be sent thither in the same manner as former Laws direct, touching other Persons likely to become chargeable to a Parish.

Vid. p. 70  
to 75, 102,  
108, 112,  
113.

But if no such legal Settlement can be found, then the *Justice* or *Justices*, are by a *Pass* directed and penned according to the Form in this Act prescribed, to cause him to be conveyed to the Place of his *Birth*, if above 14, or if under, and has a Father and Mother, to their Place of Residence; or if that cannot be known, to the Parish or Town where he last was found begging or disordering himself, and pass'd unapprehended, to be there deliver'd to the Constable, &c. of such Parish or Place.

P. 129, 195,  
153.

[*Sett. 5.*] Contains the Form of the *Pass*, whereby such *Rogues*, &c. are to be conveyed, which being particularly prescribed, ought to be expressly observed according to the Form or Tenour thereof.

[*Sett.*

[Sect. 6.] Is a Proviso, for whipping any Person having a legal Settlement, that wanders and begs, and (it should be or ) misorders himself as aforesaid; or any other Person apprehended as a Rogue, &c. before he be sent by such Pals, if the Justice thinks proper; or for sending him to the House of Correction at the Justices Discretion.

Note.

But here note, where such corporal Punishments, &c are to be left at the Justices Discretion, they would do well to be cautious in the Exercise of such Powers; for such Powers are to be strictly limited, as being contrary to the Common Law; and the Justices Warrant or Order, if illegal, will not secure the Officer that executes it, from being liable to an Action.

Note.

For the Office of Justices of Peace being unknown to the Common Law, they can have no Authority, but what is given them by the plain and express Words of a Stat. And such Statutes give them any Authority, are to be strictly expounded, and are in no case to be taken by Implication or Construction in favour of any Authority which is not warranted by the Common Law.

Note.

There needs little to be said on the 2 following Sections, the same being either plain and express in themselves, or may easily be understood by the marginal Notes. And as for the Sections from 23 to 30 inclusive, I have already



already said something to them in the *Notes on the Body of this Act* *Vide ante*.  
[Sect. 31.] p. 36, 37.

But touching *Section 31*. I shall here present the Reader with a Piece of History of good Authority, and some Records, in order to explain the Matter contain'd therein, *viz.*

Vide Monasticon Anglican. 2. Pars, p. 187. and Leicester's Antiquities, 141, 142 & 251.

*Randal Blandeville* (not *Glanville*, as some would have it) Earl of *Chester*, after many Victories obtained against the Welsh, was, about the End of the Reign of *Ric. 1.* circumvented by them, and forced to retreat to the Castle of *Rochelent* in *Flintshire*, where they straitly besieged him. He presently sends to his Constable of *Cheshire*, *viz.* one *Roger Lucy*, who for his fierce Spirit, was surnamed *Hell*, ordering him to bring what Forces he could presently get together for his Relief; whereupon, it being *Midsummer-Day*, and a great Fair then held at *Chester*, *Roger* gets together a tumultuous Rout of Fiddlers, Players, Cobblers, and debauched Persons, both Men and Women, and marches immediately towards the Earl; and the Welsh perceiving a great Multitude coming, raised the Siege and fled.

The Earl being thus freed, comes back with his Constable to *Chester*, and by a Charter, gives him Power over all the Fiddlers, Letchers, Whores and Shoemakers in *Chester*, in Reward and Memory of this Service, to him and his Heirs.

After

Afterwards about the End of King John, or beginning of Henry III. Roger Lacy being dead, his Son John by Deed grants to one Hugh Dutton, his Steward, and to his Heirs, the Rule and Authority of all the Letchers and Whores in all Cheshire in these Words: *Sciant presentes & futuri quod ego Johannes Constabularius Cestria dedi & concessi & hac presenti Charta mea confirmavi Hugoni de Dutton, & Heredibus suis Magistratum omnium Leccatorum & Meretricum totius Cestria, sic ut liberius illum Magistratum teneo de Comite, salvo Jure meo mihi & Heredibus meis. His Testibus, &c.* By which saving, the Constable reserv'd to himself and his Heirs, the Authority over the Shoe-makers, but the Authority over Fiddlers and Minstrels was pass'd to Dutton, and his Heirs, as necessary Concomitants with Whores and Rogues.

Vide Leicester's  
Antiquities  
141.

But Time hath somewhat moderated this Custom; For though the Grant to Dutton mentions Letchers and Whores, yet the Privilege and Custom used and claimed of late, has been only over common Fiddlers and Minstrels of Chester and Cheshire, which Privilege and Authority is enjoyed by the Heirs of Dutton to this Day; who in Memory thereof, keep a yearly Court at Chester on Midsummer or St. John's-Day, being Chester Fair, and in a solemn Manner ride attended through the City to St. John's Church, with all the

the Minstrelsy of the whole County playing before them, and then at the Court renew their Licences Yearly. For to this Purpose a Court is also then held, where all the Fiddlers and Minstrels of the City and County are to attend and play before the Lord of *Dutton*, and none ought to use their Minstrelsy, either within the City or County of *Cheshire*, but by an Order and Licence of that Court under the Hand and Seal of the said Lord or his Steward.

And *Note*, In the 14 *H. 7.* a *Quo Warranto* was brought against *Lawrence Dutton of Dutton, Esq;* to know why he claimed, That all Fiddlers and Minstrels of *Cheshire* and the City of *Chester*, should meet before him at the said City yearly on *St. John Baptist's Day*, each Fidler to give him four Bottles of Wine and a Launce, and every Minstrel to pay to him 4 *d.*  $\frac{1}{2}$ . And every Whore in *Cheshire*, and in the City of *Chester* *Officium suum exercente*, 4 *d.* to which he pleaded Prescription.

And whereas by the *Stat. 39 Eliz. c. 4.* Fiddlers and Minstrels are declared to be Rogues; yet by a Special Proviso in that Statute, and in the Statute of 1 *Jac. I.* an Exception is made of those in *Chester* and *Cheshire*, that shall be licenced by *John Dutton of Dutton*, his Heirs, or Assigns. And those Statutes being repealed by the 30th Section of this, therefore, the Right of the Heirs and Assigns of the said *John Dutton*

pre-

preserv'd by this Section, which is transcribed *Verbatim* from the like Clauses in 39 *Eliz.* and 1 *Jac. I.* So that the Fiddlers and Minstrels of *Cheshire*, if licenced by the Heirs or Assigns of *Dutton*, are no Rogues or Vagabonds within this Act, though they wander, &c. *Sed Vide* 43 *Eliz. c. 9. Sec. 27.*

*N. B.* The Pages quoted in the Margin, refer to the preceding Treatise.

F I N I S.

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